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[Exhibit A]

STATE OF CALIFORNIA—DEPARTMENT OF CORRECTIONS AND REHABILITATION

ARNOLD SCHWARZENEGGER, GOVERNOR

BOARD OF PAROLE HEARINGS

P. O. Box 4036
Sacramento, CA 95812-4036



December 21, 2007

Oba Frelimo J-25506
California State Prison - Corcoran
4001 King Avenue
Corcoran, CA 93212-8309

Dear Mr. Frelimo:

This responds to your CDC 602 appeal received at the Board of Parole Hearings (Board) December 10, 2007, requesting a release date.

The Board of Parole Hearings' (Board) records reflect your parole consideration hearing was conducted on October 12, 2005, and you were denied for five years.

The Board is not aware of the law that stipulates inmate's sentenced to prison when juveniles and tried as adults, must go to the Board yearly for parole consideration.

Effective May 1, 2004, the Board of Prison Terms Appeals section (15 CCR § 2050-2056) was repealed by Administrative Directive No. 04/01. The Board of Prison Terms (now the Board of Parole Hearings) no longer has an Appeals Unit; therefore, the decisions or actions regarding the issues listed below **cannot be appealed** and will no longer be addressed by the Board, regardless of whether the issues are written on a BPT 1040, a CDC 602, or in letter format:

- Due process (including hearing scheduling/postponements)
- Hearing panel issues
- Mitigating factors of parole suitability
- CDCR clerical errors regarding date/time/credit calculations
- CDCR staff related issues (prison transfers, programming)
- Parole consideration (grant/denial of parole)
- Court issues (recall of sentence)
- Attorney representation

You may go directly to the courts per California Department of Corrections, 15 CCR § 3160, Inmate Access to the Courts. Forms are available at the institution's law library.

Issues concerning clerical errors on the BPT 1001 Life Prisoner Decision Face Sheet form related to Board decisions, and other rules of law, can be reviewed by the Board. You can submit these concerns via correspondence to the Board of Parole Hearings, P.O. Box 4036, Sacramento, California, 95812-4036.

Sincerely,


S. LABARE

Staff Services Manager I

ch

Board of Parole Hearings; 12-4-07

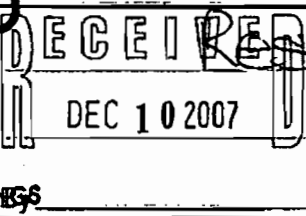
TO WHOM THIS MAY CONCERN;

Hello, My NAME is OBA L. FRELIMO
CDC# J-25506; AND I've been inf-
ORMED and instructed, That the
action I'm seeking is under your
Jurisdiction. Thus forth, I'm sending
My issue to you for response, and
to grant my request in which is
Needed, to ensure that my rights are
no longer violated or ignored or den-
ied!

Thank you for your time and
patience; AND I look forward to
your timely response!

RECEIVED

DEC 10 2007



DEC 10 2007

Respectfully Submitted;

MR.

Oba Frelimo

BOARD OF PAROLE HEARINGS
QUALITY CONTROL UNIT

P.S. ALSO, I WAS INFORMED THAT A LAW
RECENTLY WAS PASSED, THAT STIPULATES
INMATE'S SENTENCED TO PRISON, WHEN JUVEN-
-ILE'S, TRIED AS ADULTS, MUST GO TO THE
BOARD YEARLY, FOR PAROLE CONSIDERATION
BEING SUCH, MY 5 YEAR DENIAL MUST BE

STATE OF CALIFORNIA —DEPARTMENT OF CORRECTIONS AND REHABILITATION

ARNOLD SCHWARZENEGGER, GOVERNOR

INMATE APPEALS BRANCH

1515 S Street, Sacramento, CA 95814
P.O. Box 942883
Sacramento, CA 94283-0001



November 27, 2007

FRELIMO, OBA, J25506
California State Prison, Corcoran
P.O. Box 8800
Corcoran, CA 93212-8800

RE: IAB# 0711566 OTHER

Mr. FRELIMO:

The Inmate Appeals Branch, California Department of Corrections and Rehabilitation (CDCR) acts for the Director, Division of Adult Institutions, at the third level of appeal. The Branch examines and responds to inmate and parolee appeals that are submitted on a CDC Form 602, Inmate/Parolee Appeal Form, after the institution or parole region has responded at the Second Level of Appeal.

Institution and parole staff are available to assist you in obtaining additional copies of forms and documents required to submit an appeal. The inmate library offers resources and assistance to obtain general information regarding regulations, procedures, policies, and government agency addresses. Additionally, your assigned Counselor or Parole Agent, or the Appeals Coordinator can answer any questions you may have regarding the appeals process. The Inmate Appeals Branch appreciates your responsible use of the appeal system to address your grievance.

The Inmate Appeals Branch has received an appeal from you and has determined that it does not comply with the appeal procedures established in California Code of Regulations (CCR) Title 15, Article 8, and is being screened-out and returned to you pursuant to CCR 3084.3 for the following reason(s):

The action you are seeking is under the jurisdiction of the Board of Parole Hearings. You can submit these concerns via correspondence to the Board of Parole Hearings, Quality Control Unit, P.O. Box 4036, Sacramento, California, 95812-4036.

A handwritten signature in black ink, appearing to read "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

EMERGENCY "602" Appeal: TO: DIRECTOR C.D.C.R.**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME <u>OBA FRELIMO</u>	NUMBER <u>J-25506</u>	ASSIGNMENT <u>ASU 1</u>	UNIT/ROOM NUMBER <u>C-135</u>
----------------------------	--------------------------	----------------------------	----------------------------------

A. Describe Problem: I'M filing this 602 in direct Appeal ON the B.P.T. denial OF MY "Due process" rights. Denying to parole me after 12 months OF Parole Revocation, as in accordance with the Plea A-greement deal I agreed to in court. [see exhibit "A" Transcripts attached.] The B.P.T. denial to calculate a term and set a release date, illegally giving me a WOP, when IN fact I WAS sentenced to an INDETERMINATE sentence OF "15 to Life" "with" the possibility of parole. [SEE

If you need more space, attach one additional sheet.

[see ATTACHED PAGE:] →

B. Action Requested: REQUEST THAT B.P.T. DECISION BE FIXED/REVERSED AND MY "IMMEDIATE RELEASE" being I have SERVED THE WHOLE TOTAL STATE PRISON TERM 15 YEARS and have 734 days credit for time served as was the sentence & time given to ME in MY PLEA deal. SEE → ATTACHED

Inmate/Parolee Signature: [Signature]Date Submitted: 10-8-07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

RECEIVED
OCT 12 2007
INMATE APPEALS
BRANCH

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: _____

Board of Control form 8C-1E, Inmate Claim

DESCRIBE PROBLEM: (CONTINUED)..... Exhibit "B" ABSTRACT of JUDGEMENT ATTACHED] As well as setting a release date based on my felony real minutes report, clearly stating that I was "sentence to state PRISON for a period of 15 years" UPPER TERM, TOTAL state PRISON TERM 15 years. [see attached Exhibit "C". MINUTES report] The B.P.T. DENIED MY "DUE PROCESS" RIGHTS by denying Parole, in which my sentence deal was to be carried out at a Boot Camp, in which I was denied entrance, by a faulty label of Commitment offense, 1ST DEGREE MURDER. [see Exhibit "D". BOOT CAMP WORKSHEET attached] In which had I been placed in Boot Camp my time served MIN. WAS 7 years without disciplinary infractions, & 15 Years MAX TOTAL, if disciplinary infractions were sought which would MAX my date of Parole, & I'd be released after serving the total 15 years on Lifetime Parole as stipulated in my COURT TRANSCRIPTS. [see Exhibit "A"] The B.P.T. finding unsuitable for Parole & denying me 5 years was a violation of my DUE PROCESS RIGHTS & PLEA AGREEMENT. THE UNSUITABILITY FACT DOES NOT SUPPORT DENIAL OF Parole & the BOARDS Reliance on the CIRCUMSTANCES OF THE COMMITMENT OFFENSE VIOLATED MY DUE PROCESS RIGHTS, as well the B.P.T. Decision was arbitrary & therefore did not comport with the some evidence standard. [see case SUPERINTENDENT V. HILL 472, U.S. 454-55, 457, and Briefs for Affirming the SOME EVIDENCE STANDARD; BIBAS V. TERHUNE, 334 F.3d 910 (9TH CIR. 2003), 348S, 461 F.3d 1123, IRONS V. CAREY F.3d 658 (9TH CIR. 2007) BASED ON THE ABOVE & other listed cases cited, I am "entitled" to Parole & a DATE for Parole, and relief under the standard of 28. U.S.C. § 2254(d). Yet, I wasn't found suitable for Parole, The B.P.T. NEVER MOVED PAST THE suitability-finding function in C.A. Penal Code § 3041(b) to calculate a term and set a release date as required by § 3041(a). I was instead assigned a "LWOP

Exhibit "A" Transcripts

1 ~~IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA~~

2 ~~IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO~~

3 BEFORE HONORABLE ALFRED CHIANTELLI, JUDGE

San Francisco County Superior Court

4 DEPARTMENT 22

JAN 11 1994

5 ---000---

6 PEOPLE OF THE STATE OF CALIFORNIA,)

ALAN CARLSON, Clerk
BY: CAROLYN D. MACABED
Deputy Clerk

7 PLAINTIFF,)

8 VS.)

CASE NO. 151728
CHANGE OF PLEA

9 OBA LEE ERELIMO,)

10 DEFENDANT.)

11 ---000---

12 REPORTER'S TRANSCRIPT

13 DECEMBER 13, 1993

14 ---000---

15 A P P E A R A N C E S:

16 FOR THE PEOPLE:

HON. ARLO SMITH,
DISTRICT ATTORNEY
BY: WILLIAM FAZIO,
ASST. DISTRICT ATTORNEY

17 FOR THE DEFENDANT:

BARRY MELTON,)
ATTORNEY AT LAW

18 OFFICIAL COURT REPORTER:

NOREEN T. IKEUYE, C.S.R.
CERTIFICATE NO. 3538

19 ---000---

1 DECEMBER 13, 1993

9:00 AM

2 P-R-O-C-E-E-D-I-N-G-S

3 ---000---

4 THE COURT: LINE 18, OBA LEE FRELIMO.

5 MR. FAZIO: YOUR HONOR, BILL FAZIO FOR THE
6 PEOPLE IN THIS MATTER.

7 MR. MELTON: BARRY MELTON FOR MR. FRELIMO.

8 THE COURT: EVERYONE STATED THEIR APPEARANCES.
9 THIS MATTER IS SET FOR TRIAL. MR. OBA LEE FRELIMO IS
10 PRESENT.

11 YES. ARE THERE NEGOTIATIONS HERE?

12 MR. FAZIO: YES, THERE IS.

13 MR. MELTON: YES.

14 THE COURT: WHO WISHES TO STATE THE
15 NEGOTIATIONS?

16 MR. FAZIO: I THINK MR. MELTON WILL STATE THAT
17 HIS CLIENT IS GOING TO PLEAD TO COUNT 3, THE --

18 MR. MELTON: YES.

19 MR. FAZIO: -- CHARGE OF MURDER. WE WILL
20 STIPULATE IT'S IN THE SECOND DEGREE.

21 MR. MELTON: THAT'S CORRECT.

22 THE COURT: IS THAT CORRECT?

23 MR. MELTON: YES.

24 THE COURT: ALL RIGHT. AND HAVE YOU INFORMED
25 YOUR CLIENT OF THAT, THIS IS AN INDETERMINATE SENTENCE.

26 MR. MELTON: YES.

27 ~~THE COURT: EVERYONE UNDERSTANDS THAT AT THE~~
28 TIME OF THIS ALLEGED CRIME, THE DEFENDANT WAS UNDER THE

1 AGE OF 17. IF IN FACT HE PLEADS GUILTY TO THIS, BY LAW
2 UNDER 707.2 OF THE WELFARE & INSTITUTIONS CODE, I WILL
3 REFER THIS TO THE CALIFORNIA YOUTH AUTHORITY, FOR THEM
4 TO DO AN IN-DEPTH STUDY FOR THEIR RECOMMENDATION ON
5 THIS. AND FURTHERMORE, WHEN I DO THAT, I WILL NOT GET A
6 PRE-SENTENCE REPORT.

7 MR. MELTON: YES, IT'S UNDERSTOOD.

8 MR. FAZIO AND I AGREED IN CHAMBERS THAT THE
9 FOLLOWING DOCUMENTS COULD ACCOMPANY MR. FRELIMO TO THE
10 YOUTH AUTHORITY -- ONE BEING THE PRELIMINARY HEARING
11 TRANSCRIPT, INCLUDING -- IT'S AN ATTACHMENT IN THIS
12 CASE. TWO WOULD BE THE 707 PROBATION OFFICER'S REPORT.

13 AND IF THE COURT DOESN'T HAVE A COPY OF, I'D BE
14 HAPPY TO SUPPLY THE COURT WITH MINE.

15 MR. FAZIO: DID YOU WANT A TRANSCRIPT OF THE
16 707 PROCEEDINGS?

17 MR. MELTON: I HAVE ONE WITH ME.

18 MR. FAZIO: YES..

19 MR. MELTON: AND --

20 MR. FAZIO: AND A COPY OF THE INFORMATION.

21 MR. MELTON: I HAVE A COPY OF THE INFORMATION.

22 THE COURT: ALL RIGHT. PROVIDE THAT PACKAGE
23 FOR MY CLERK.

24 MR. MELTON: MR. FRELIMO, I AM GOING TO MAKE A
25 STATEMENT TO THE COURT ABOUT YOUR CASE. IT IS VERY
26 IMPORTANT THAT YOU LISTEN TO IT CAREFULLY.

27 YOUR HONOR, MR. AZCANIO WANTS TO ENTER A PLEA OF
28 GUILTY TO THE CHARGE OF MURDER IN THE SECOND DEGREE, A

1 VIOLATION OF SECTION 187 OF THE CALIFORNIA PENAL CODE, A
2 FELONY. I HAVE TOLD HIM THAT SEVERAL CONSTITUTIONAL
3 RIGHTS WILL BE GIVEN UP IF THE COURT ACCEPTS THIS PLEA,
4 INCLUDING:

5
6 FIRST: HIS PRIVILEGE AGAINST SELF-INCRIMINATION;
7 THAT IS, HE IS UNDER NO OBLIGATION TO SAY ANYTHING THAT
8 MAY TEND TO INCRIMINATE HIM. AND I HAVE TOLD HIM THAT
9 BY PLEADING GUILTY HE IS, IN FACT, INCRIMINATING
10 HIMSELF.

11 SECOND: HIS RIGHT TO BE TRIED BY A JURY; IN THIS
12 REGARD, I HAVE ADVISED HIM THAT HE CANNOT BE CONVICTED
13 UNLESS ALL TWELVE JURORS AGREE THAT THE PROSECUTION HAS
14 PROVED HIS GUILT BEYOND A REASONABLE DOUBT.

15 THIRD: HIS RIGHT TO SEE AND HEAR HIS ACCUSERS
16 TESTIFY IN OPEN COURT, IN HIS PRESENCE, AND TO HAVE HIS
17 ATTORNEY CROSS EXAMINE THEM.

18 WE HAVE DISCUSSED THE ELEMENTS OF THE CHARGE
19 AGAINST HIM AND THE POSSIBLE DEFENSES TO THE CHARGE, AND
20 I HAVE ADVISED HIM OF THE LAW AS IT RELATES TO THE FACTS
21 OF HIS CASE. I HAVE ADVISED HIM OF THE LEGAL
22 CONSEQUENCES OF A GUILTY PLEA TO THE CHARGE AND THAT THE
23 PUNISHMENT FOR THE OFFENSE IS 15 YEARS TO LIFE IN STATE
24 PRISON.

25 UPON HIS RELEASE FROM PRISON CUSTODY HE MAY BE
26 PLACED ON PAROLE -- I BELIEVE IT'S FOR LIFE, YOUR HONOR.

27 ~~I COULD BE WRONG RATHER THAN~~

28 THE COURT: ON MURDER.

1 * [MR. MELTON: YES. WHAT IS CONTAINED IN THE --
2 IT'S A LIFETIME PAROLE PERIOD FROM THE DATE OF HIS
3 INITIAL PAROLE. HOWEVER, IF PAROLE IS REVOKED,
4 CONFINEMENT PURSUANT TO A REVOCATION OF PAROLE IN THE
5 ABSENCE OF A NEW CONVICTION AND COMMITMENT TO PRISON
6 UNDER OTHER PROVISIONS OF LAW SHALL NOT EXCEED 12
7 MONTHS, EXCEPT AS PROVIDED BY PENAL CODE SECTION
8 3057(C), SUBSEQUENT ACTS OF MISCONDUCT COMMITTED BY
9 PAROLEE WHILE CONFINED PURSUANT TO THAT PAROLE
10 REVOCATION. *]

11 THIS PLEA IS OFFERED AS A RESULT OF DISCUSSIONS
12 WITH ASSISTANT DISTRICT ATTORNEY WILLIAM FAZIO, THIS
13 COURT, AND MYSELF. AND I HAVE INFORMED MR. FRELIMO THAT
14 MR. FAZIO WILL RECOMMEND, AND THE COURT HAS INDICATED,
15 THAT MR. FRELIMO WILL RECEIVE THE 15 YEARS TO LIFE
16 SENTENCE.

17 FURTHER, IT'S A FEATURE OF MY AGREEMENT WITH MR.
18 FAZO THAT THE REMAINING CHARGES IN THE INFORMATION WILL
19 BE DISMISSED. AND FURTHER, THAT THE DISTRICT ATTORNEY'S
20 OFFICE DOES NOT INTEND TO FILE ANY NEW CHARGES BASED ON
21 PRESENTLY KNOWN CONDUCT THAT IS ALLEGED TO HAVE OCCURRED
22 IN JUVENILE HALL DURING THE PERIOD OF MR. FRELIMO'S
23 INCARCERATION THERE SINCE DECEMBER 30TH, 1992.

24 AND FINALLY, THERE IS A MISDEMEANOR CASE NOW
25 PENDING IN DEPARTMENT 14 OF THE MUNICIPAL COURT
26 REGARDING AN ALLEGATION OF ESCAPE FROM CUSTODY. AND

27 ~~THAT CASE WILL BE DISMISSED.~~

28 MR. FAZIO: THAT'S CORRECT. YOUR HONOR.

1 THE COURT: ALL RIGHT. YOU HAVE HEARD ALL OF
2 THE STATEMENTS MADE TO THE COURT BY YOUR ATTORNEY, THE
3 STATEMENTS MADE BY THE DISTRICT ATTORNEY.

4 ARE THEY TRUE IN ALL RESPECTS AS FAR AS THE
5 CONSEQUENCES OF WHAT YOU EXPECT TO RECEIVE IN EXCHANGE
6 FOR YOUR GUILTY PLEA?

7 THE DEFENDANT: YES.

8 THE COURT: DO YOU PERSONALLY GIVE UP YOUR
9 RIGHT AGAINST SELF INCRIMINATION ON THE CHARGE OF
10 MURDER, COUNT 3?

11 AND SO THAT THE RECORD IS CLEAR, COUNSEL, IS IT
12 STIPULATED THAT IT'S MURDER IN THE SECOND DEGREE?

13 MR. FAZIO: IT IS SO STIPULATED.

14 MR. MELTON: YES.

15 THE COURT: ALL RIGHT.

16 THE DEFENDANT: YEAH.

17 THE COURT: DO YOU PERSONALLY GIVE UP YOUR
18 RIGHT TO TRIED BY A JURY TO THE CHARGE OF MURDER IN THE
19 SECOND DEGREE?

20 THE DEFENDANT: YES.

21 THE COURT: DO YOU PERSONALLY GIVE UP YOUR
22 RIGHT TO SEE, HEAR, AND QUESTION WITNESSES AGAINST YOU
23 TO THE CHARGE OF MURDER IN THE SECOND DEGREE?

24 THE DEFENDANT: YES.

25 THE COURT: IF YOU ARE NOT A CITIZEN, YOU ARE
26 HEREBY ADVISED THAT CONVICTION OF THIS OFFENSE WHICH YOU
27 ~~HAVE BEEN CHARGED MAY HAVE THE CONSEQUENCES OF~~

28 DEPORTATION EXCLUSION FROM ADMISSION TO THE UNITED

1 STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS
2 OF THE UNITED STATES.

3 DO YOU UNDERSTAND THAT?

4 THE DEFENDANT: YES.

5 THE COURT: WHAT IS YOUR PLEA TO VIOLATING
6 SECTION 187 CALIFORNIA PENAL CODE, MURDER IN THE SECOND
7 DEGREE?

8 THE DEFENDANT: GUILTY.

9 THE COURT: COUNSEL, DO YOU STIPULATE THAT
10 THERE IS A FACTUAL BASIS FOR THIS COURT TO ACCEPT THIS?

11 MR. MELTON: BASED ON DISCOVERY PROVIDED AND
12 THE EVIDENCE ADDUCED AT THE PREVIOUS HEARINGS IN THIS
13 MATTER.

14 THE COURT: AND MR. FAZIO, DO YOU HAVE A GOOD
15 FAITH CASE?

16 MR. FAZIO: YES, YOUR HONOR.

17 AND MAY I JUST POINT OUT ALSO THAT PRIOR TO
18 ENTERING IN TO THIS DISPOSITION WITH MR. MELTON, I
19 DISCUSSED IT WITH LINDA KLEE OF OUR OFFICE. AND MORE
20 IMPORTANTLY, I HAVE DISCUSSED IT WITH THE SURVIVING
21 VICTIMS OF MISS GIN (PHONETIC), WHO IS THE INDIVIDUAL
22 WHO DIED AS A RESULT OF MR. FRELIMO'S ACTIONS. AND THEY
23 UNDERSTAND AND ACCEPT THE PROPOSED DISPOSITION IN THIS
24 CASE.

25 THE COURT: ALL RIGHT. THE COURT ALSO FINDS
26 THAT DEFENDANT HAS BEEN INFORMED OF HIS RIGHTS, AND THAT
27 HE HAS FREELY AND VOLUNTARILY KNOWINGLY AND
28 INTELLIGENTLY GIVEN UP HIS RIGHTS. AND THAT HE HAS

1 ~~ENTERED HIS PLEA OF GUILTY WELL KNOWING THE CONSEQUENCES~~
2 ~~OF THAT PLEA. THEREFORE, THE PLEA WILL BE ACCEPTED.~~

3 THE DISTRICT ATTORNEY'S MOTION TO DISMISS COUNTS 1
4 AND 2?

5 MR. FAZIO: YES, PURSUANT --

6 THE COURT: IS GRANTED.

7 MR. FAZIO: -- TO SECTION 1385.

8 THE COURT: ALL RIGHT. DISMISSED, 1385,
9 INTERESTS OF JUSTICE.

10 MR. FAZIO: COULD WE HAVE A RETURN DATE OR DO
11 THEY ADVISE THE COURT WHEN THEY ARE FINISHED?

12 THE CLERK: MARCH 14TH.

13 THE COURT: MARCH 14TH, MONDAY.

14 ---000---

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Exhibit "B. Abstract of JUDGEMENT"

INDETERMINATE SENTENCE

FORM CR 292

☒ SUPERIOR
☐ MUNICIPAL
☐ JUSTICE
COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

COURT (I.D.)

BRANCH OR JUDICIAL DISTRICT: _____

FILED
 San Francisco County Superior Court

MAY 12 1994

ALAN CARLSON, Clerk

BY: [Signature] Deputy Clerk

PLE OF THE STATE OF CALIFORNIA versus

☒ PRESENT

151728

- A

ENDANT: **OBA LEE FRELIMO**☐ NOT PRESENT

- B

AKA:

- C

IMITMENT TO STATE PRISON

AMENOE

- D

TRACT OF JUDGMENT

ABSTRACT ☐

- E

OF HEARING (MO) (DAY) (YR)

DEPT. NO.

SC22

JUDGE

ALFRED CHIANTELLI

CLERK

JACQUES KHOROZIAN

1/05/94

CHARD CORVILLE

COUNSEL FOR PEOPLE
WILLIAM FAZIOCOUNSEL FOR DEFENDANT
BARRY MELTON

PROBATION NO. OR PROBATION OFFICER

339140

DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES:

☐ ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT _____ (NUMBER OF PAGES)

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTED BY				CONCURRENT	CONSECUTIVE	654 STAT
					MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	PLEA				
3	PC	187	MURDER, 2ND	92	12	14	93			X				

ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.: For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter line total in right-hand column.

Count	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total

ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER:

List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b), list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total

Defendant was sentenced to State Prison for an indeterminate term:

- A. ☐ For LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts _____ C. ☒ For 15 years to life, WITH POSSIBILITY OF PAROLE on counts 3
- B. ☐ For LIFE WITH POSSIBILITY OF PAROLE on counts _____ D. ☐ For 25 years to life, WITH POSSIBILITY OF PAROLE on counts _____
- ☐ For term prescribed by law on counts _____ (Specify term on separate sheet if necessary.)

INDETERMINATE SENTENCE

FORM CR 29

☒ SUPERIOR
☐ MUNICIPAL
☐ JUSTICE
COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

COURT (I.D.):

BRANCH OR JUDICIAL DISTRICT: _____

S38

PEOPLE OF THE STATE OF CALIFORNIA versus

☒ PRESENT

151728

- A

DEFENDANT: OBA LEE FRELIMO

☐ NOT PRESENT

- B

AKA:

- C

COMMITMENT TO STATE PRISON

AMENDED

- D

ABSTRACT OF JUDGMENT

ABSTRACT ☒ 1ST

- E

DATE OF HEARING (MO) (DAY) (YR)

DEPT. NO.
SC22

JUDGE

ALFRED CHIANTELLI

CLERK

JACQUES KHOROZIAN

REPORTER
RICHARD CORVILLE

COUNSEL FOR PEOPLE

WILLIAM FAZIO

COUNSEL FOR DEFENDANT

BARRY MELTON

PROBATION NO. OR PROBATION OFFICER

339140

FILED

San Francisco County Superior Court

JUN 29 1994

ALAN CARLSON, Clerk:

BY: *[Signature]* Deputy Clerk

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES:

☐ ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT _____ (NUMBER OF PAGES)

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTED BY			CONCURRENT	CONSECUTIVE	LCSA STAY
					MD	DAY	YEAR	JURY TRIAL	COURT TRIAL	PLEA			
3	PC	187	MURDER, 2ND	92	12	14	93			X			

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ET. For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter line total in right-hand column.

Count	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER:

List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b), list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Enhancement	Yrs. or "S"	Total

4. Defendant was sentenced to State Prison for an indeterminate term:

- A. ☐ For LIFE WITHOUT THE POSSIBILITY OF PAROLE on counts _____ C. ☒ For 15 years to life, WITH POSSIBILITY OF PAROLE on counts 3
- B. ☐ For LIFE WITH POSSIBILITY OF PAROLE on counts _____ D. ☐ For 25 years to life, WITH POSSIBILITY OF PAROLE on counts _____
- E. ☐ For other term prescribed by law on counts _____ (Specify term on separate sheet if necessary)

PLUS enhancement time shown above.

5. ☐ Indeterminate sentence shown on this abstract to be served ☐ consecutive to ☐ concurrent with any prior uncompleted sentence(s).

Exhibit "C": Minutes Report.

SUPERIOR COURT IN THE CITY AND COUNTY OF SAN FRANCISCO - MINUTES

People of the State of California vs. OBA LEE FRELLMO

☒ Present

SC #

Assistant DA of Record

Attorney of Record

151728

B. FAZIO

☒ Present

BARRY MELTON

☒ Present

Clerk

Judge

LOTUS JEW

ALFRED G. CHIANTELLI

Reporter

RICHARD CORVILLE #2675, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103

Cause on Calendar for Sentence.

Court has appointed MELTON/BARRY, conflict counsel.

Defendant waives formal arraignment for judgment, has been convicted of the crime(s) of felony by plea on : / /93

Count	Code	Section	Degree	MC #	Plea
3	PC	187/F	2	01446771	G

The Court has read and considered the pre-sentence report.

The Court orders defendant committed to state prison as follows:

(Defendant is sentenced to State Prison for a period of 15 year(s), Upper Term.)
Total State Prison Term: 15 year(s).

(Defendant to receive credit for time served 490 day(s) County Jail 244 day(s) SAGE for a total of 734 day(s).)

The Court orders defendant committed to State Prison for 15 years to Life:Upper Term.

The Court states reason for sentence choice.

Defendant shall pay a restitution fine in the amount of \$200 pursuant to GC 13967.

(Defendant is advised of parole rights.)

The defendant is remanded to the California Department of Corrections.

* Housed at CYA until 18th birthday pursuant to WIC 1731.5(C).

Exhibit "D". Boot Camp Worksheet.

BOOT CAMP WORKSHEET

IDENTIFYING INFORMATION:

NAME: FRELINO CDC# J-25506 RACE: B/18
ARRIVAL DATE: 7-1-94 COUNTY OF COMMITMENT: SAN FRANCISCO

COMMITMENT OFFENSE

Murder 1st

LENGTH OF SENTENCE 15 - Life

CONTROLLING: _____

NON-CONTROLLING: _____

MIN D.S.L.: _____

TO BE COMPLETED BY BOOT CAMP CCI

BOOT CAMP ELIGIBILITY:

ELIGIBLE: _____

INELIGIBLE DUE TO: Term

DATE INTERVIEWED: _____

DATE CONTACT SIGNED _____

BOOT CAMP CCI SIGNATURE [Signature]

DATE OF ENDORSEMENT: (BY C & PR) _____

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[EXHIBIT]

MC-275

Name Oba Frelimo
 Address K.V.S.P. D-7-223
P.O. BOX 5104
Delano, Ca, 93216
 CDC or ID Number J-25506

SUPREME COURT
FILED

APR 06 2007

Frederick K. Ohirich Clerk

Supreme Court of Deputy
California
 (Court)

Oba lee Frelimo
Petitioner
vs.
WARDEN. Hedgepeith
Respondent

PETITION FOR WRIT OF HABEAS CORPUS

S151585

No. _____
 (To be supplied by the Clerk of the Court)

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APR 6 - 2007

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court (as amended effective January 1, 2005). Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- ☐ A conviction
 ☒ Parole
☒ A sentence
 ☐ Credits
☐ Jail or prison conditions
 ☐ Prison discipline
☐ Other (specify): _____

1. Your name: Oba Lee Frelimo
 2. Where are you incarcerated? Kern Valley State Prisons
 3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

2nd Degree Murder

- b. Penal or other code sections: 187

- c. Name and location of sentencing or committing court: Superior Court of California,
County of San Francisco

- d. Case number: 151728

- e. Date convicted or committed: 12-14-93

- f. Date sentenced: 5-5-94

- g. Length of sentence: 15 to Life

- h. When do you expect to be released? As soon as this writ is granted.

- i. Were you represented by counsel in the trial court? ☒ Yes. ☒ No. If yes, state the attorney's name and address:

~~Mr. Barry Melton, Off. of Public Defender, 814 North St, Woodland, Ca, 95695~~ Mr. Barry Melton, Off. of Public Defender, 814 North St, Woodland, Ca, 95695

4. What was the LAST plea you entered? (check one)

- ☐ Not guilty
 ☒ Guilty
 ☐ Nolo Contendere
 ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

- ☐ Jury
 ☐ Judge without a jury
 ☐ Submitted on transcript
 ☐ Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

State Court Violated My Due Process rights under
The U.S. Constitution 14th Amendment, by Denying my
Writ, without research.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

{ SEE ATTACHED WRIT Ground #1 and all
Supporting documents }

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

(N/A)

7. Ground 2 or Ground _____ (if applicable):

14th Amendment U.S. Constitution Violation of My
Due Process rights, B.P.T., NOT following my Plea
Agreement.

a. Supporting facts:

{ See Attached writ Ground 2 and all
Supporting Documents }

b. Supporting cases, rules, or other authority:

N/A

8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes. ☒ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

b. Result _____ c. Date of decision: _____

d. Case number or citation of opinion, if known: _____

e. Issues raised: (1) _____

(2) _____

(3) _____

f. Were you represented by counsel on appeal? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes. ☒ No. If yes, give the following information:

a. Result _____ b. Date of decision: _____

c. Case number or citation of opinion, if known: _____

d. Issues raised: (1) _____

(2) _____

(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

I was never assigned appeal counsel, though I was
told I was! No Appeal was ever filed, to my knowledge

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

Such Review, Concerning B.P.T.'s decisions does
not exist in CDCR, anymore!

b. Did you seek the highest level of administrative review available? ☐ Yes. ☒ No.

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☒ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: Superior Court of California
 (2) Nature of proceeding (for example, "habeas corpus petition"): Habeas Corpus Petition
 (3) Issues raised: (a) The B.P.T. failed to Grant Parole & Parole Date.
 (b) _____
 (4) Result (Attach order or explain why unavailable): Denied
 (5) Date of decision: 1-8-07
- b. (1) Name of court: _____
 (2) Nature of proceeding: _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (Attach order or explain why unavailable): _____
 (5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

N/A

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

There is NO Delay.

16. Are you presently represented by counsel? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? ☒ Yes. ☐ No. If yes, explain:

A Motion To get my Sentence reduced or Suspended Under P.C. Section 1170.195

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

The lower Court's Denied my petition.

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 4-1-07

[Signature]
 (SIGNATURE OF PETITIONER)

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District	Northern
Name (under which you were convicted):		Docket or Case No.: 5460 (151728) 3151585	
Place of Confinement:		Prisoner No.:	
Kern Valley State Prison		J-25506	
Petitioner (include the name under which you were convicted)		Respondent (authorized person having custody of petitioner)	
Oba L. Frelimo		Warden Hedgepeth	
The Attorney General of the State of		California	

PETITION

- (a) Name and location of court that entered the judgment of conviction you are challenging: SAN FRANCISCO COUNTY SUPERIOR COURT, 400 McAllister ST, S.F. C.A. 94102
(b) Criminal docket or case number (if you know): (151728) - (5460)
 - (a) Date of the judgment of conviction (if you know): 12-14-93
(b) Date of sentencing: 5-5-94
 - Length of sentence: 15 To Life
 - In this case, were you convicted on more than one count or of more than one crime? Yes ☐ No ☒
 - Identify all crimes of which you were convicted and sentenced in this case: 2nd Degree Murder
6. (a) What was your plea? (Check one)
- (1) Not guilty ☐ (3) Nolo contendere (no contest) ☐
(2) Guilty ☒ (4) Insanity plea ☐
- (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? _____

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MAR 29 2007

11 PM SUPREME COURT

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☐ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☒

9. If you did appeal, answer the following:

(a) Name of court: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you seek further review by a higher state court? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Result: _____

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: ST. CATHY SUPERIOR COURT

(2) Docket or case number (if you know): N/A

(3) Date of filing (if you know): N/A

(4) Nature of the proceeding: STATE WRIT OF HABEAS CORPUS

(5) Grounds raised: INEFFECTIVE ASSISTANCE OF COUNSEL.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

- (b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(3) Third petition: Yes ☐ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: State Courts Violated my Due Process rights Under The U.S. Constitution 14th Amendment, by Denying writ without research.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

State Courts decision was based on the information which the Board of Prison Terms based Their decision on, yet they failed to assess my entire situation, based on my entire Caseload, as opposed to The Partial information Used! Which was a Violation of my Due Process rights Under The 14th Amendment of The U.S. Constitution. { SEE ATTACH PAGES.

(b) If you did not exhaust your state remedies on Ground One, explain why: _____

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: I WAS NEVER given AN COURT appointed Attorney To file an Appeal, Though I was told one was assigned to my case.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

1)

Grand One: CON.)

(1)

1 The denial of my Parole, is NOT JUST UNJUST, IT
 2 is UNETHICAL IN reason and theory, and cruel and
 3 UNUSUAL punishment, a violation of my 8th Amendment
 4 U.S. Constitutional rights. State Court's stated The
 5 denial was as a result due to information pre-
 6 sented by The Board of Prison terms. That my
 7 Past Juvenile and Prison record was of a Violent
 8 Nature, making me UNFIT to be released into
 9 Society because I posed a threat. As well, that
 10 I lack the skills, Trades school completions, etc.
 11 to meet parole requirements! However The B.P.T.
 12 failed to explain in full why that is so, in
 13 which I can't be held fully accountable for due
 14 To Various legitimate reasons, as follows! In
 15 regards To The denial of my Parole based on
 16 Past Misconduct and violations of the law, it has
 17 been noted and documented, that as a child
 18 I was a troubled Kid who was early diagno-
 19 sed with suffering from a Mental Disorder,
 20 Anti-Social personality disorder. It was deter-
 21 mined that due to that disorder, many of my
 22 Juvenile offense's were Triggered from That. In
 23 which it was Never Treated, Though my Cond-
 24 ition was Known. Instead I was held acc-
 25 -ountable for my actions, as it was stated
 26 ~~I understood my actions~~ and could've controlle
 27 -d My behavior. Which was the basis for
 28 Court's To Try Me as an adult at....

2)

(Ground One: CAN.)

(2)

1 ... 16 years of age, which is when I caught
 2 the offense I am now locked-up for. How-
 3 ever years later, after numerous prison viol-
 4 -ations of violence and state psychologist
 5 observance, it was determined that I did
 6 suffer a greater mental health problem that was
 7 the reason behind my violent behaviors, and that
 8 I was unable to understand, recognize, or control
 9 these impulses, which doctors were granted
 10 an order from the courts, to force medica-
 11 -te me if I didn't want to take the medica-
 12 -tion they prescribed to balance the chemi-
 13 -cal imbalance in my brain which caused
 14 these impulses! (SEE ATTACHED EXHIBIT "B")
 15 I was diagnosed to have "Chronic paranoid
 16 schizophrenia". This finding shows that over
 17 the years I've been suffering mentally and
 18 physically, because as a juvenile the ball
 19 was dropped and my mental health needs
 20 weren't addressed even though it was known
 21 that I had a mental disorder. I've been forc-
 22 -ed further to be punished for crimes comm-
 23 -itted due to my mental disorders, as if they
 24 held no merit or effect, as to my actions. When
 25 in fact they do and psychologists have said so, and
 26 proven such to courts. The B.P.T. and state
 27 courts failed to assess that information in
 28 their decision to deny my parole! further...

3)

Ground One: COLL:

(3)

1 ... binding and finding me guilty for something I
2 had no control over. Which is cruel and unusual
3 punishment and a violation of my due proce-
4 -ss rights, protected by The 14th Amendment
5 of The U.S. Constitution. I'm being kept in
6 Prison, after serving 15 year's, because of a
7 Mental disorder that deemed me incapable
8 of controlling or detecting violent impulses,
9 which weren't addressed or found out,
10 until later on in my incarceration, after
11 numerous violent R.V.P's, were established! Which
12 is clearly a violation of my 14th Amendment
13 U.S. Constitutional rights and 8th Amendment
14 U.S. Constitutional rights and I seek relief
15 from federal courts to reverse state court-
16 -'s denial, and grant me a parole date,
17 and immediate release from The Depart-
18 -ment of Correction's K.V.S.P, in which
19 now I've been transported to CSP. CORCORAN
20 State Prison.

27

28

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐ N/A

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____ N/A

Docket or case number (if you know): _____ N/A

Date of the court's decision: _____ N/A

Result (attach a copy of the court's opinion or order, if available): _____ N/A

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____ N/A

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: I filed

A State Habeas Corpus, which is attached, & They
Denied my Writ. See Exhibit "A"

GROUND TWO: 14th Amendment U.S. Constitution Violation of
My Due Process, B.P.I., Not following my Plea Agreement.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I see Exhibit "A" State Writ "3" I clearly showed
without a doubt that The B.P.I. denying my
parole was an error and Violation of my
Plea Agreement. I took a deal in court

for the 15 to life sentence, in which it was stipulated and agreed upon that I would serve 7 years at a Prison Bootcamp and be... {see ATTACHED PAGE

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒ N/A

(2) If you did not raise this issue in your direct appeal, explain why: N/A

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: ~~Writ of Habeas Corpus~~ N/A

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): N/A

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☒ ~~Writ of Habeas Corpus~~ N/A

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

(Ground Two: CON)

(1)

1)

1 ~~.... released~~ ON life-time parole. If I committed
 2 any violations, I could be held longer, only up until
 3 15 years which would max out my time, and then
 4 be "released" on parole for life! If and when
 5 on Parole I violated, then I could be held
 6 for "Life", or released whenever The B.P.T.
 7 determined I was fit! Those were the terms
 8 on which my deal and sentence was agreed
 9 upon, based on the fact I was a minor when
 10 the offense occurred and it was stipulated
 11 I had no intent to kill anyone, the death
 12 was caused in a Tragic automobile accide-
 13 -nt. However once received from C.Y.A. on
 14 my 18th Birthday, To State Prison San Quin-
 15 -ton, The Bootcamp denied my entrance
 16 into Their program and I ended up railroa-
 17 -ed into The Adult prison system. (see Exh-
 18 -ibit "C" Bootcamp worksheet) C.D.C. did wh-
 19 -at they wanted to do with my case, They
 20 disregarded my Plea-agreement and deal I
 21 took in court, thus violating my 14th Amend-
 22 -ment U.S. Constitutional Due Process rights.
 23 This Violation was intentionally done, because as
 24 the worksheet it stated I had 1st degree
 25 Murder and that's not true, which resulted
 26 in their denial. Thus forth, I was left
 27 Under the belief State Prison would carry
 28 out my plea-agreement and release me. ^{CON}

(2)

Grand Two: CONS

2)

1 after 7 years on my M.E.P.D., which didn't
 2 happen. The B.P.U. denial of my Parole based
 3 on my violations in prison is Tripple jeopardy
 4 and cruel and unusual punishment a violation
 5 of my 8th Amendment U.S. Constitutional rights,
 6 and 14th Amendment U.S. Constitutional rights
 7 of Due Process. I'm being punished in 3-
 8 different ways for violations committed as a
 9 result of my Mental health Conditions. On all
 10 Violent Prison violations I was placed in the
 11 Administrative Segregation unit or S.H.U. basing
 12 for a period of Months or Years based on
 13 that violation. Once the ILS R.V.R. determined
 14 I was guilty, I was given higher points
 15 in my Custody level and My M.E.P.D. was
 16 moved further up, days, months, years, in
 17 accordance to the established time period
 18 of each violation. My M.E.P.D. went from
 19 2001 to 2006, which was the Max-date!
 20 What other purpose is there to take time
 21 away from my M.E.P.D., other than to prol-
 22 -ong my incarceration Till the date comes
 23 To parole Me! The Courts failed to ex-
 24 -en examine and address this issue
 25 as applied to the Law in which I was
 26 ~~Sentenced~~ under, for the time I'm supp-
 27 -osed to do. They failed to address that
 28 by the Sentencing Judge granting Me... (CONJ)

3)

(Ground Two: (CON))

(3)

1 ... 734 days credit for "Time Served," in order
 2 for that time to actually account for any-
 3 thing and be given to me, I must be re-
 4 -leased on the Date that I can be pa-
 5 -roled! I could've been paroled (4.12.06)
 6 on my M.E.P.D., yet the B.P.T., failed to
 7 released me and properly assess my
 8 Case factors and plea-agreement. My Case
 9 in itself is far different from the average
 10 inmate, because I was a minor at the
 11 time of my offense, so the laws and penal-
 12 -ties and nature of my case was solely,
 13 Juvenile. I have no adult criminal history
 14 record. I've been incarcerated since 16 year-
 15 -s of age, I am a product of The System
 16 that raised me, from S.F. Y.C.C., C.Y.A., to
 17 prison, I need relief from prison to
 18 be allowed the ability and opportunity to
 19 live my life as an adult and move on
 20 with my life. Denying my Parole and holding
 21 me in prison furtherly, when I've served 15
 22 year's of my Sentence Term is A violation
 23 of my Due process rights, protected by the
 24 14th Amendment of The U.S. Constitution,
 25 and 8th Amendment U.S. Constitution. I seek
 26 ~~Federal relief, reversal of State Courts Denial~~
 27 and B.P.T., and To be released from prison
 28 immediately, and given a parole Date.

Docket or case number (if you know): N/A

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

N/A

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

N/A

- (e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: STATE Habeas Corpus, Challenging B.P.T. Denial of Parole.

GROUND THREE: 8th Amendment U.S. Constitutional rights Violated, Courts denial, is Cruel and Unusual punishment.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The State Courts Denial of my Habeas Corpus and not granting that I be given a parole date and paroled, based on the B.P.T. information of my lack of skills, Trades, and education, is Cruel and Unusual Punishment. The State Courts failed to assess my workload.

(SEE FILE PAGE)

(b) If you did not exhaust your state remedies on Ground Three, explain why: _____

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐ N/A

(2) If you did not raise this issue in your direct appeal, explain why: I was Indigent and court failed to give me an Appeal returned.

(Grand Three: CON)

(1)

1 ... B.P.T. provided information, which courts
 2 failed to investigate the reasons as to why
 3 that is so, and I've done 15 years in pri-
 4 -son. If in fact I was to blame and be
 5 held accountable. The fact remains, I've no
 6 control over the situation. Prison's rare and
 7 have been overly overcrowded in California.
 8 Due to an inmate's custody level, that deter-
 9 -mines what an inmate has access to, w-
 10 -hat Trade's, jobs, etc! There's waiting lists,
 11 all new arrivals go on, "lifers" go on the bott-
 12 -om of the list. Those with Parole dates,
 13 short time who get day for day, or of a
 14 lower custody level, get 1st priority &
 15 assignment. So in mostly all lifer cases
 16 it takes years before a lifer even gets
 17 assigned a position. With The overcrowd-
 18 -ing of inmates Additionally due to cramp-
 19 -ed conditions violence occurs which stops
 20 all programs. Depending on the level of V-
 21 -iolence it can be lock-downs for Months
 22 or years. Which for level IV prisons it's
 23 mostly impossible for inmates to program,
 24 it's so crowded violence always erupts.
 25 That is the culture of prison, period, for if
 26 ~~it wasn't guards wouldn't need guns and~~
 27 ~~gun towers~~ To Control it. So by far am
 28 I even in an environment that's ... cons

(Grand Three: CON:) (2)

1 ... Conducive to my betterment as a citizen
2 and human being in this Country for "reha-
3-bilitation." Along with my diagnosed Mental
4 disability, prison life contributes to violence,
5 and condemns me for it as guilty. I've
6 just been assigned a job, after 14 years in
7 this system, it's my 1st job. Yet I need
8 school and Trade's and this system is
9 not designed to allow me to participate in
10 school, work, and Trade at once, yet it
11 could and would have to, if Federal Courts
12 would grant me relief in such, to aid
13 in my incentive and want for rehabilita-
14-tion. Which I request such, as well to
15 dismiss courts denial and reverse it,
16 granting my parole & parole date, based
17 on my not being in Control of this system.
18 I can't just place myself in school, job, or
19 Trade, as people in society can do. The
20 State Prison officials decide what I can
21 do, when I can do it, and for how long.
22 So I can't be wrongly accused of failure
23 to Comply with Parole requirements, when
24 I have no control of Assignment, to do
25 what I need to do. I'm limited in that
26 ~~department and based on the B.P.I. Kno-~~
27-wing that, they should've paroled me
28 and recommended a Temporary ... (CON)

(Grand Three: CON) (3)

1 ... residence at a state halfway house of
2 some sort, so that I could obtain the
3 education, Trades, and job training that
4 prison can't afford to provide me and
5 prepare me to live as a contributor to
6 society, and law abiding citizen, due
7 to overcrowding. In which once I co-
8 mpleted my education, Trades, and Train-
9 ing, I could be released on my own,
10 and deal with my parole Agency! Yes,
11 That was not done or considered in
12 light of my being incarcerated since a
13 minor 16 years of age and having ser-
14 ved 15 years! I'm now being told, I'll
15 never be paroled and given a 2ND
16 chance at life, based on factors of
17 the past and circumstance's, That I had
18 no control over. I seek federal court's
19 to grant me relief for my immediate
20 release & parole date, reversal of
21 state Court's Denial, and any other
22 form of relief, I'm Entitled To.
23 Thank yas.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

N/A

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: State

Habeas Corpus

GROUND FOUR: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐

~~(4) Did you appeal from the denial of your motion or petition?~~

~~Yes ☐ No ☐~~

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☒ No ☐

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: N/A

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. _____

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: ns/A

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.* _____

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

~~(1) A one-year period of limitation shall apply to any application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —~~

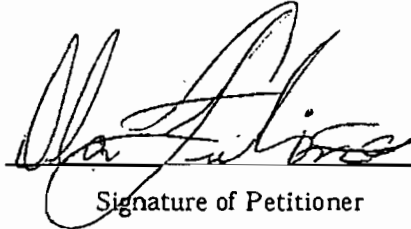
Therefore, petitioner asks that the Court grant the following relief: Reversal of courts
Denial! Granting my immediate release, and
giving me a parole date.
or any other relief to which petitioner may be entitled.

Pro Per.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct
and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on
_____ (month, date, year).

Executed (signed) on* _____ (date).


Signature of Petitioner

*(...continued)

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. _____

IN FORMA PAUPERIS DECLARATION

[Insert appropriate court]

(Exhibit "A")

STATE Writ of HABEAS CORPUS

Denial of STATE Writ

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO

Department No. 22

Endorsed
FILED
San Francisco County Superior Court

JAN 16 2007

IN THE MATTER OF THE APPLICATION)
OF)

WRIT NO. 5669 **GORDON PARK-LI, Clerk**
BY: *Ph. H.* Deputy Clerk

Oba Lee FRELIMO)

Petitioner,)

ORDER

FOR WRIT OF HABEAS CORPUS)

This court has received a petition for writ of habeas corpus.

Oba Lee Frelimo petitions this court to review the Board of Parole Hearings' ("the Board") decision finding him unsuitable for parole.

Petitioner is currently incarcerated in Kern Valley State Prison, California. He is serving a term of 15 years to life for one count of second degree murder (Pen.Code § 187).

Petitioner's first parole hearing was held on October 12, 2005. The Board concluded that Petitioner was unsuitable for parole because he would pose an unreasonable risk of danger to society or a threat to public safety if released from prison. (RT 88:14-20)

1 Petitioner contends that the Board erred in not granting
2 him a parole date.

3 Commitment Offense

4 At the hearing, the presiding commissioner read from the
5 description of the commitment offense from a March 2005 Life
6 Prisoner Evaluation Report "2005 Report." That description is
7 summarized as follows:

8 On December 20, 1992, Jeanette Rude was getting out of her
9 vehicle when Petitioner approached her from behind, displayed a
10 gun and demanded her car keys. Sometime later, the Police
11 spotted the car and pursued the defendant but backed off when
12 the defendant reached speeds of over 70 miles per hour on city
13 streets. The defendant drove west on Waller Street and collided
14 with the left side of a vehicle driven by Alio Ginn. Ms. Ginn
15 died from injuries she received in the impact. Ms. Ginn's six-
16 year-old grandson was a passenger in the car. He suffered
17 numerous cuts, scrapes and bruises and a nosebleed. Three other
18 people were also injured. The defendant and his companion ran
19 from the car and tried to hide. Witnesses directed the police
20 to the defendant and his companion. Both were arrested and
21 admitted to what they had done. The Petitioner claims that the
22 car went out of control and views the case as vehicular
23 manslaughter. (Reporter's Transcript of Parole Hearing "RT"
24 15:23-17:19.)

25 The "Some Evidence" Standard

26 process of law. California Penal Code section 3041 "creates in

1 every inmate a cognizable liberty interest in parole which is
 2 protected by the procedural safeguards of the Due Process
 3 Clause." (Biggs v. Terhune (9th Cir. 2003) 334 F.3D 910, 914-
 4 915.) State courts have concluded the same thing. "[W]e
 5 conclude that the judicial branch is authorized to review the
 6 factual basis of a decision of the Board denying parole in order
 7 to ensure that the decision comports with the requirements of
 8 the due process of law..." (In re Rosenkrantz (2002) 29 Cal.4th
 9 616, 658; In re Smith (2003) 114 Cal.App.4th 343, 361.)

10 Due process requires that the Board have some evidence on
 11 which to base a decision to deny parole. "[P]arole applicants in
 12 [California] have an expectation that they will be granted
 13 parole unless the Board finds, in the exercise of its
 14 discretion, that they are unsuitable for parole in light of the
 15 circumstances specified by statute and by regulation."
 16 (Rosenkrantz, supra, 29 Cal.4th at 654.)

17 The Board of Prison Terms has broad discretion in parole
 18 matters. (In re Powell (1988) 45 Cal.3d 894, 901.) In reviewing
 19 a Board decision, due process only requires that there be some
 20 evidence to support the Board's evidentiary findings. (Id. at
 21 904; In re Ramirez (2001) 94 Cal.App.4th 549, 562-564.) Its
 22 decision will not be disturbed unless it has acted arbitrarily
 23 or capriciously. (Ramirez supra, 94 Cal.App.4th at 564.)

24 The court's review is limited to an inquiry whether there
 25 is some evidence in the record before the Board, which supports

~~the Board's decision to deny parole.~~ 29 Cal.4th at 658.) The "some evidence test, as applied in

~~Rosenkrantz is understood to mean that the Board's suitability~~
determinations "must have some rational basis in fact." (In re
Scott (2005) 133 Cal.App.4th 573, 590 n. 6.)

Factors Determining Suitability for Parole

The factors showing parole unsuitability are that the inmate: 1) committed the offense in an especially heinous, atrocious, or cruel manner,¹ 2) possesses a previous record of violence, 3) has an unstable social history, 4) previously has sexually assaulted another individual in a sadistic manner, 5) has a lengthy history of severe mental problems related to the offense, and 6) has engaged in serious misconduct while in prison. (§ 2402(c).)

The factors showing parole suitability are that the inmate: 1) does not possess a record of violent crime, 2) has a stable social history, 3) has shown signs of remorse, 4) committed the crime as the result of significant stress in his life, 5) lacks any significant history of violent crime, 6) is of an age that reduces the probability of recidivism, 7) has made realistic plans for release or has developed marketable skills that can be put to use upon release, and 8) has engaged in institutional

¹ This might include circumstances where: A) multiple victims were attacked in the same or separate incidents, B) the offense was carried out in a dispassionate and calculated manner (i.e.

~~or execution-style murder of the victim was abused, defiled, or mutilated; D) the inmate demonstrated an exceptionally callous disregard for human suffering; and E) the motive is inexplicable or very trivial in relation to the offense. (§ 2402(c)(1).)~~

1 ~~activities that indicate an enhanced ability to function within~~
2 the law upon release. (§ 2402(d).)

4 The Board's Decision

5 The Board found that the following unsuitability factors
6 were present:

- 7 1) The commitment offense was especially heinous in that
8 multiple victims were attacked (§2402 (c)(1)(A));
- 9 2) The offense demonstrated an exceptionally callous
10 disregard for human suffering, in that all of the
11 victims were completely vulnerable (§ 2402(c)(1)(D));
- 12 3) The motive for the crime -carjacking-was trivial (§
13 2402(c)(1)(E));
- 14 4) Petitioner has a previous record of violence and failed
15 from society's previous attempts to correct his
16 criminality (§ 2402(c)(2));
- 17 5) ~~The defendant had an unstable social history as a~~
18 juvenile (§ 2402(c)(3)); and
- 19 6) ~~The defendant has engaged in serious misconduct while~~
20 in prison (§ 2402(c)(6)).

21 The Board also found that Petitioner lacked the following
22

23 ~~suitability factors.~~
24
25

1) ~~Petitioner has not demonstrated remorse (§2402(d)(3));~~

2) Petitioner has failed to develop marketable skills that can be put to use upon release (§ 2402(d)(7)); and

3) Petitioner had not engaged in institutional activities that indicate an enhanced ability to function within the law upon release. (§ 2402(d)(8)).

Review of the Board's Decision

Some evidence supports the Board's finding defendant possesses a record of violence (§ 2402(c)(2)). According to the 2005 Report Petitioner had an extensive juvenile record before he committed the life-crime at the age of 16. Between December 1990 and July 1992 juvenile petitions were sustained as to the following charges: petty theft, theft, second degree robbery, fighting in a public place, theft, vandalism, possession of burglary tools, driving without lawful license, auto theft and strong-armed robbery. Petitioner's juvenile record is "some evidence" supporting the Board's finding that defendant possesses a record of violence (§ 2402(c)(2)).

Some evidence supports the Board's finding that defendant has engaged in serious misconduct while in prison (§2402(c)(6)). The defendant has received 41 serious 115's and 36 negative chronos (RT 49:8-16.), which is some evidence in support of the board's finding on this unsuitability factor.

1 ~~The Board's findings that Petitioner has a previous record~~
2 of violence (§2402(c)(2)) and has engaged in serious misconduct
3 while in prison (§2402(c)(6)) have a rational basis in fact.
4 Because the Board's finding of these two factors is supported by
5 the evidence in the record, it is unnecessary to review the
6 Board's findings on other factors.

7 The Board's decision is supported by "some evidence."
8 Accordingly, the Petition is denied.

9
10
11
12
13 Date

1/8/08

14 Judge of the Superior Court

15 JAMES J. MCBRIDE
16
17
18
19
20
21
22
23
24
25

This petition concerns:

- ☐ A conviction
 ☐ Parole
☒ A sentence
 ☐ Credits
☐ Jail or prison conditions
 ☐ Prison discipline
☐ Other (specify): _____

1. Your name: OBA LEE FRELIMO
 2. Where are you incarcerated? KERN VALLEY STATE PRISON
 3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability:

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

2ND DEGREE MURDER

- b. Penal or other code sections: P.C. SECTION 187

- c. Name and location of sentencing or committing court: SAN FRANCISCO COUNTY SUPERIOR CT
(CRIM) 850 BRYANT STREET, SAN FRANCISCO, CA. 94103

- d. Case number: 151728

- e. Date convicted or committed: 12/31/93

- f. Date sentenced: 5/5/94

- g. Length of sentence: 15 YEARS TO LIFE

- h. When do you expect to be released? 10/2008

- i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address:

MR. BARRY MELTON, OFF. OF PUBLIC DEFENDER, 814 NORTH ST., WOODLAND,
CA. 95695-3538

4. What was the LAST plea you entered? (check one)

☐ Not guilty
 ☒ Guilty
 ☐ Nolo Contendere
 ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☐ Jury
 ☐ Judge without a jury
 ☐ Submitted on transcript
 ☐ Awaiting trial

BOARD OF PRISON TERMS
APPEAL

STATE OF CALIFORNIA

Name: Oba FRELIMOCDC#: J-23506Prison: TEHACHAPI CCIDate Sent: 9-17-06CDC Staff Only

Date Received: _____ Log #: _____

Date Life Inmate Received Copy of Transcript: _____

Did Staff Provide Assistance in Preparing this Appeal?

Yes ☐No ☐

What Type of Staff Assistance Was Provided: _____

DECISION APPEALED

- ☒ Parole Revocation
☐ Revocation Extension
☐ Retain on Parole
☐ Screening Offer Decision
☒ Life Prisoner
☐ MDO Hearing
☐ Other: _____

Date of hearing or decision you are appealing:
10/12/05 5 YEARS Parole DENIED.REASONS

- ☐ Wrong / Not enough information
☒ The decision was not fair in view of the facts
☒ The decision is illegal
☐ The decision is against BPT rules
☐ My rights under ADA were violated

Did you ask for help writing this appeal?

Yes ☐No ☒

Did anyone help you write this appeal?

Yes ☐No ☒

What would you like the Board to do? I'm requesting Reconsideration of the B.P.T.'s decision denying my Parole AND 2nd TO Be provided with A Parole date.

Tell why you want to appeal. Use simple words. Give each reason a number. Use more paper if you need to. Don't leave anything out. You can not add reasons later. Sign at the bottom.

- (1) ON 5/5/94 I WAS SENTENCED TO A 15 to life sentence. By the Order of the sentencing court and in accordance to the terms of my plea bargaining... (SEE Attach
- (2) I Just received the final Denial Copy in the mail dated 10/12/05 and it is 9/15/06. I believe this was done intentionally, to stop me from appealing the Denial. (SEE
- (3) IN MY COURT Transcripts it states clearly, that in my plea bargain, that from the date of my initial Parole, I am to be placed on a life-time Parole Period. (SEE attach)
- (4) The minutes made from the court transcript clearly state that I was sentenced to State Prison for a Period of 15 Years 11 PAPER TERM TOTAL STATE PRISON TERM 15 YEARS. (SEE

(Continued) (1).... agreement, it was stipulated that I would become eligible for parole within 7 years and once paroled - my parole period would be for life, and or indeterminate wherefore, the Bpt has erred in denying my parole and not giving me a parole date!

2) Thus forth I ask for my Appeal to be processed for response! Due to me just receiving documents inabling me to file an Appeal.

3) That stipulation clearly intails that I am supposed to have an initial parole date which I have been wrongfully Denied. Also further stipulation details that if However Parole is Revoked, confinement pursuant to A revocation of Parole in the Absence of A new conviction and commitment to Prison, under provisions of Law shall not exceed 12 Months! Thus forth my Denial of parole for 5 years, is A greave miscarriage of the law, and violates my plea Bargain! (SEE) (EXHIBIT A) ATTACHED) PAGE "5" first paragraph!

4) With A Total State Prison Term of 15 years, I was supposed to be given A Date, within the 7 ~~YEAR TIME FRAME, to you carries, and also~~ given/receive credit for time served, 734 days!

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

LIFE PRISONER: PAROLE CONSIDERATION
PROPOSED DECISION (BPT §2041)

ORIGINAL COPY

I. ☒ PAROLE DENIED

5 years

new psych report

If this proposed decision denying parole is approved, the Board will send you a copy of the approved decision, including the reasons for denial of parole, within 30 days of the hearing.

II. ☐ PAROLE GRANTED

A. Base Period of Confinement Months

Case No.	Count No.	Offense

B. Firearm Enhancement + Months

C. Other Crimes Total + Months

Case No.	Count No.	Offense mos.

Case No.	Count No.	Offense mos.

Case No.	Count No.	Offense mos.

D. Total Term = Months

E. Postconviction Credit From (Date) To (Date) Months

F. Total Period of Confinement = Months

The period of confinement indicated is a tentative decision proposed by this panel. The decision will be reviewed pursuant to BPT §2041, and, if approved, a copy of the approved decision will be sent to you within 30 days. At that time appropriate pre-prison credits will be applied and a parole release date computed.

~~You will not engage in any conduct specified in BPT §2451. Such conduct may result in rescission or postponement of your parole date.~~

If the proposed decision denying or granting parole is disapproved, you will receive a copy of the proposed decision and the reasons for disapproval. You will then receive a copy of the modified decision or will be scheduled for a new hearing, as appropriate.

PANEL HEARING CASE

Tracy Julie
B. Moring

Date 10/12/05
Date 12/1/05
Date

BOARD OF PRISON TERMS
CALIFORNIA

STATE OF

NOTICE OF DATE, TIME AND PLACE OF HEARING

INMATE COPY

Your LIFE PRISONER INITIAL PAROLE CONSIDERATION hearing is scheduled for2:15 P.M.

on

October 12, 2005

(Time)

(Date)

at

CCI IV-A BOARD ROOM

CERTIFICATE OF SERVICE

On

I ☒ gave☐ mailed this notice to the prisoner / parolee.

Signature of State Agent

C. TorresCC-I

Date

8-3-05

Receipt Acknowledged (For Institutional Use Only)

Signature

Mr. Felino

CDC Number

J25506

Date

8-3-05

INMATE NAME FRELIMO, OBA CDG NUMBER J-5506 8A207 CDC 128B

-In preparation for the Scheduled Board of Prison Terms Life Prisoner Hearing

INMATE COPY

- ☐ No accommodation is required per the Armstrong II Remedial Plan.
- ☐ Accommodation to effectively communicate is required per Armstrong II Remedial plan and was accomplished by _____

- ☒ I received a copy of the Life Prisoner Hearing Board Report. (ADDENDUM)
- ☒ I received a copy of the Life Prisoner Hearing Board & Psychiatric Reports.
- ☐ I received a copy of the Life Prisoner Hearing Psychiatric Report. (Clinician Only)

[Signature]
Inmate's Signature / CDC #

Date:

CCI IV-B

[Signature]
Staff Signature / Title

GENERAL CHRONO

8A2074

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

NOTICE OF CLASSIFICATION HEARING

CDC 128 - B1 (Rev 2/95)

INMATE NAME	CDC NUMBER	TODAY'S DATE
FRELIMO	J25506	12/15/05

YOU WILL APPEAR BEFORE A CLASSIFICATION COMMITTEE ON 12/21/05
MAJOR PROGRAM CHANGE AS FOLLOWS:

FOR CONSIDERATION OF A

- ☐ TRANSFER ☐ INCREASE IN CUSTODY ☐ ASSIGNMENT TO SECURITY HOUSING
- ☐ REMOVAL FROM PROGRAM ☒ OTHER POST BOARD REVIEW

REASON

POST BOARD REVIEW

STAFF NAME	TITLE	
C. TORRES	CC-I	12/15/05

ROUTING INSTRUCTIONS: ORIGINAL - CLASSIFICATION COMMITTEE COPY - INMATE

~~BOARD OF PRISON TERMS~~
APPEAL

STATE OF CALIFORNIA

HOW TO FILL OUT THIS FORM

Give the reasons for your appeal. Write on the lines. Be sure to give each reason a number. Use simple words to explain each reason. Use more paper if you need it. Don't leave anything out. You cannot add reasons later. Sign the form at the bottom.

SENDING THE APPEAL

You must send this form to the Board or have someone do it for you. If you are in prison, give the form to C&PR staff. If you are not in prison, give it to a Parole Appeals Coordinator. You have 90 days after you get your hearing decision to send in the form. Your lawyer can send it for you if you sign that you approve.

FASTER APPEALS

If you have a new court case, you may need a faster answer to your appeal. To get a faster answer, write "EXPEDITED CONSIDERATION" on the form. You must have a good reason why this is needed. You must send court or other papers that tell why a fast answer is needed.

Terms: C&PR - the Classification and Parole Representative in prison
Parole Appeals Coordinator - Appeals Coordinator in your Parole Region

You can read the laws about your appeal. You can find the laws at California Code of Regulations, Title 15, sections 2050 to 2057.

CDC Staff OnlyDOCUMENTS THAT MUST ACCOMPANY THE APPEAL

An appeal cannot be accepted by the Board unless there is enough information to decide the issues. Until the necessary information is supplied, the appeal will not be processed. The following documents are required for each type of appeal. Please submit these documents with the appeal within 90 days of the Board's decision.

PAROLE REVOCATION HEARING APPEALS

- | | |
|--|---|
| <input type="checkbox"/> Legal Status Summary Sheet (prior commitment and parole violation) | <input type="checkbox"/> Charge Sheet (CDC Form 1521, <i>Including CDC Form 1244</i>) |
| <input type="checkbox"/> Notice of Right to Revocation Hearing Acknowledgment [BPT Form 1100(a)] | <input type="checkbox"/> Police Report(s) |
| <input type="checkbox"/> Request for Witnesses [BPT Form 1100(b)] | <input type="checkbox"/> Attorney Determination (BPT Form 1083, if applicable) |
| <input type="checkbox"/> Summary of Revocation Hearing and Decision (BPT Form 1103) | <input type="checkbox"/> Chronological History (CDC 112, <i>all pages</i>) |
| <input type="checkbox"/> Form 1103 | <input type="checkbox"/> Reasonable Accommodation Notice and Request (BPT Form 1073) |
| <input type="checkbox"/> Inmate/Parolee Disability Verification (CDC Form 1103) | <input type="checkbox"/> Mental Health Screening Chronology (CDC Form 1103) |

~~BOARD OF PRISON TERMS~~
~~APPEAL~~

~~STATE OF CALIFORNIA~~

APPEALS OF SCREENING OFFERS

- | | |
|---|--|
| <input type="checkbox"/> Legal Status Summary Sheet | <input type="checkbox"/> Police Report(s) |
| <input type="checkbox"/> Notice of Right to Revocation Hearing Acknowledgment [BPT Form 1100(a)] | <input type="checkbox"/> Summary of Revocation Hearing and Decision (Hearing Waived) (BPT Form 1104) |
| <input type="checkbox"/> Waiver of Revocation Hearing (BPT Form 1101) | <input type="checkbox"/> Chronological History (CDC 112, <i>all pages</i>) |
| <input type="checkbox"/> Charge Sheet (CDC Form 1521, <i>including CDC Form 1244</i>) | <input type="checkbox"/> Reasonable Accommodation Notice and Request (BPT Form 1073) |
| <input type="checkbox"/> Inmate/Parolee disability Verification (CDC Form 1845) | <input type="checkbox"/> Mental Health Screening Chronos (CDC Form 128C, 128C-1) |
| <input type="checkbox"/> Extradition from Other State: <i>All Documents Pertaining to Extradition</i> | |

APPEALS FROM REVOCATION EXTENSION HEARINGS

- | | |
|--|--|
| <input type="checkbox"/> Legal Status Summary Sheet | <input type="checkbox"/> Rules Violation Report (CDC Form 115) |
| <input type="checkbox"/> Notice of Right to Revocation Hearing Acknowledgment [BPT Form 1100(a)] | <input type="checkbox"/> Attorney Determination (BPT Form 1083, if applicable) |
| <input type="checkbox"/> Request for Witnesses [BPT Form 1100(b)] | <input type="checkbox"/> Chronological History (CDC 112, <i>all pages</i>) |
| <input type="checkbox"/> Summary of Revocation Hearing and Decision (BPT Form 1103) | <input type="checkbox"/> Reasonable Accommodation Notice and Request (BPT Form 1073) |
| <input type="checkbox"/> Inmate/Parolee Disability Verification (CDC Form 1845) | <input type="checkbox"/> Mental Health Screening Chronos (CDC Form 128C, 128C-1) |

APPEALS FROM RETAIN ON PAROLE

- | | |
|--|---|
| <input type="checkbox"/> Legal Status Summary Sheet | <input type="checkbox"/> Central Office Calendar Discharge Review (BPT Form 1130) |
| <input type="checkbox"/> Parole Agent's Report (CDC Form 1502) | <input type="checkbox"/> Chronological History (CDC 112, <i>all pages</i>) |

LIFE HEARING DECISIONS

- | | |
|---|--|
| <input type="checkbox"/> Copy of Decision | <input type="checkbox"/> Post Board Chrono, Date Received Transcript |
| <input type="checkbox"/> Chronological History (CDC 112, <i>all pages</i>) | |

(EXHIBIT A)

1 ~~IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA~~

2 ~~IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO~~

3 BEFORE HONORABLE ALFRED CHIANTELLI, JUDGE
San Francisco County Superior Court

4 DEPARTMENT 22

JAN 11 1994

5 ---000---

6 PEOPLE OF THE STATE OF CALIFORNIA,)

ALAN CARLSON, Clerk
BY: CAROLYN D. MACABED
Deputy Clerk

7 PLAINTIFF,)

8 VS.)

CASE NO. 151728
CHANGE OF PLEA

9 OBA LEE FRELIMO,)

10 DEFENDANT.)

11 ---000---

12 REPORTER'S TRANSCRIPT
13 DECEMBER 13, 1993

14 ---000---

15 A P P E A R A N C E S:
16 FOR THE PEOPLE:

HON. ARLO SMITH,
DISTRICT ATTORNEY
BY: WILLIAM FAZIO,
ASST. DISTRICT ATTORNEY

17 FOR THE DEFENDANT:

BARRY MELTON,
ATTORNEY AT LAW

18 OFFICIAL COURT REPORTER:

NOREEN T. IKEUYE, C.S.R.
19 CERTIFICATE NO. 3538

20 ---000---

DECEMBER 13, 1993

9:00 AM

~~P R O C E E D I N G S~~

~~---000---~~

THE COURT: LINE 18, OBA LEE FRELIMO.

MR. FAZIO: YOUR HONOR, BILL FAZIO FOR THE
PEOPLE IN THIS MATTER.

MR. MELTON: BARRY MELTON FOR MR. FRELIMO.

THE COURT: EVERYONE STATED THEIR APPEARANCES.
THIS MATTER IS SET FOR TRIAL. MR. OBA LEE FRELIMO IS
PRESENT.

YES. ARE THERE NEGOTIATIONS HERE?

MR. FAZIO: YES, THERE IS.

MR. MELTON: YES.

THE COURT: WHO WISHES TO STATE THE
NEGOTIATIONS?

MR. FAZIO: I THINK MR. MELTON WILL STATE THAT
HIS CLIENT IS GOING TO PLEAD TO COUNT 3, THE --

MR. MELTON: YES.

MR. FAZIO: -- CHARGE OF MURDER. WE WILL
STIPULATE IT'S IN THE SECOND DEGREE.

MR. MELTON: THAT'S CORRECT.

THE COURT: IS THAT CORRECT?

MR. MELTON: YES.

THE COURT: ALL RIGHT. AND HAVE YOU INFORMED
YOUR CLIENT OF THAT, THIS IS AN INDETERMINATE SENTENCE.

MR. MELTON: YES.

~~THE COURT: EVERYONE UNDERSTANDS THAT AT THE~~

TIME OF THIS ALLEGED CRIME, THE DEFENDANT WAS UNDER THE

1 AGE OF 17. IF IN FACT HE PLEADS GUILTY TO THIS, BY LAW
2 UNDER 707.2 OF THE WELFARE & INSTITUTIONS CODE, I WILL
3 REFER THIS TO THE CALIFORNIA YOUTH AUTHORITY, FOR THEM
4 TO DO AN IN-DEPTH STUDY FOR THEIR RECOMMENDATION ON
5 THIS. AND FURTHERMORE, WHEN I DO THAT, I WILL NOT GET A
6 PRE-SENTENCE REPORT.

7 MR. MELTON: YES, IT'S UNDERSTOOD.

8 MR. FAZIO AND I AGREED IN CHAMBERS THAT THE
9 FOLLOWING DOCUMENTS COULD ACCOMPANY MR. FRELIMO TO THE
10 YOUTH AUTHORITY -- ONE BEING THE PRELIMINARY HEARING
11 TRANSCRIPT, INCLUDING -- IT'S AN ATTACHMENT IN THIS
12 CASE. TWO WOULD BE THE 707 PROBATION OFFICER'S REPORT.

13 AND IF THE COURT DOESN'T HAVE A COPY OF, I'D BE
14 HAPPY TO SUPPLY THE COURT WITH MINE.

15 MR. FAZIO: DID YOU WANT A TRANSCRIPT OF THE
16 707 PROCEEDINGS?

17 MR. MELTON: I HAVE ONE WITH ME.

18 MR. FAZIO: YES..

19 MR. MELTON: AND --

20 MR. FAZIO: AND A COPY OF THE INFORMATION.

21 MR. MELTON: I HAVE A COPY OF THE INFORMATION.

22 THE COURT: ALL RIGHT. PROVIDE THAT PACKAGE
23 FOR MY CLERK.

24 MR. MELTON: MR. FRELIMO, I AM GOING TO MAKE A
25 STATEMENT TO THE COURT ABOUT YOUR CASE. IT IS VERY
26 IMPORTANT THAT YOU LISTEN TO IT CAREFULLY.

27 YOUR HONOR, MR. AZCANIO WANTS TO ENTER A PLEA OF
28 GUILTY TO THE CHARGE OF MURDER IN THE SECOND DEGREE, A

1 * MR. MELTON: YES. WHAT IS CONTAINED IN THE --
2 IT'S A LIFETIME PAROLE PERIOD FROM THE DATE OF HIS
3 INITIAL PAROLE. HOWEVER, IF PAROLE IS REVOKED,
4 CONFINEMENT PURSUANT TO A REVOCATION OF PAROLE IN THE
5 ABSENCE OF A NEW CONVICTION AND COMMITMENT TO PRISON
6 UNDER OTHER PROVISIONS OF LAW SHALL NOT EXCEED 12
7 MONTHS, EXCEPT AS PROVIDED BY PENAL CODE SECTION
8 3057(C), SUBSEQUENT ACTS OF MISCONDUCT COMMITTED BY
9 PAROLEE WHILE CONFINED PURSUANT TO THAT PAROLE
10 REVOCATION. *

11 THIS PLEA IS OFFERED AS A RESULT OF DISCUSSIONS
12 WITH ASSISTANT DISTRICT ATTORNEY WILLIAM FAZIO, THIS
13 COURT, AND MYSELF. AND I HAVE INFORMED MR. FRELIMO THAT
14 MR. FAZIO WILL RECOMMEND, AND THE COURT HAS INDICATED,
15 THAT MR. FRELIMO WILL RECEIVE THE 15 YEARS TO LIFE
16 SENTENCE.

17 FURTHER, IT'S A FEATURE OF MY AGREEMENT WITH MR.
18 FAZO THAT THE REMAINING CHARGES IN THE INFORMATION WILL
19 BE DISMISSED. AND FURTHER, THAT THE DISTRICT ATTORNEY'S
20 OFFICE DOES NOT INTEND TO FILE ANY NEW CHARGES BASED ON
21 PRESENTLY KNOWN CONDUCT THAT IS ALLEGED TO HAVE OCCURRED
22 IN JUVENILE HALL DURING THE PERIOD OF MR. FRELIMO'S
23 INCARCERATION THERE SINCE DECEMBER 30TH, 1992.

24 AND FINALLY, THERE IS A MISDEMEANOR CASE NOW
25 PENDING IN DEPARTMENT 14 OF THE MUNICIPAL COURT
26 REGARDING AN ALLEGATION OF ESCAPE FROM CUSTODY. AND

27 ~~PAROLEE WILL BE DISMISSED.~~

28 MR. FAZIO: THAT'S CORRECT. YOUR HONOR.

1 THE COURT: ALL RIGHT. YOU HAVE HEARD ALL OF
2 ~~THE STATEMENTS MADE TO THE COURT BY YOUR ATTORNEY, THE~~
3 ~~STATEMENTS MADE BY THE DISTRICT ATTORNEY.~~

4 ARE THEY TRUE IN ALL RESPECTS AS FAR AS THE
5 CONSEQUENCES OF WHAT YOU EXPECT TO RECEIVE IN EXCHANGE
6 FOR YOUR GUILTY PLEA?

7 THE DEFENDANT: YES.

8 THE COURT: DO YOU PERSONALLY GIVE UP YOUR
9 RIGHT AGAINST SELF INCRIMINATION ON THE CHARGE OF
10 MURDER, COUNT 3?

11 AND SO THAT THE RECORD IS CLEAR, COUNSEL, IS IT
12 STIPULATED THAT IT'S MURDER IN THE SECOND DEGREE?

13 MR. FAZIO: IT IS SO STIPULATED.

14 MR. MELTON: YES.

15 THE COURT: ALL RIGHT.

16 THE DEFENDANT: YEAH.

17 THE COURT: DO YOU PERSONALLY GIVE UP YOUR
18 RIGHT TO TRIED BY A JURY TO THE CHARGE OF MURDER IN THE
19 SECOND DEGREE?

20 THE DEFENDANT: YES.

21 THE COURT: DO YOU PERSONALLY GIVE UP YOUR
22 RIGHT TO SEE, HEAR, AND QUESTION WITNESSES AGAINST YOU
23 TO THE CHARGE OF MURDER IN THE SECOND DEGREE?

24 THE DEFENDANT: YES.

25 THE COURT: IF YOU ARE NOT A CITIZEN, YOU ARE
26 HEREBY ADVISED THAT CONVICTION OF THIS OFFENSE WHICH YOU
27 ~~HAVE BEEN ADVISED MAY HAVE THE CONSEQUENCES OF~~

28 DEPORTATION. EXCLUSION FROM ADMISSION TO THE UNITED

1 STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS
2 OF THE UNITED STATES.

3 DO YOU UNDERSTAND THAT?

4 THE DEFENDANT: YES.

5 THE COURT: WHAT IS YOUR PLEA TO VIOLATING
6 SECTION 187 CALIFORNIA PENAL CODE, MURDER IN THE SECOND
7 DEGREE?

8 THE DEFENDANT: GUILTY.

9 THE COURT: COUNSEL, DO YOU STIPULATE THAT
10 THERE IS A FACTUAL BASIS FOR THIS COURT TO ACCEPT THIS?

11 MR. MELTON: BASED ON DISCOVERY PROVIDED AND
12 THE EVIDENCE ADDUCED AT THE PREVIOUS HEARINGS IN THIS
13 MATTER.

14 THE COURT: AND MR. FAZIO, DO YOU HAVE A GOOD
15 FAITH CASE?

16 MR. FAZIO: YES, YOUR HONOR.

17 AND MAY I JUST POINT OUT ALSO THAT PRIOR TO
18 ENTERING IN TO THIS DISPOSITION WITH MR. MELTON, I
19 DISCUSSED IT WITH LINDA KLEE OF OUR OFFICE. AND MORE
20 IMPORTANTLY, I HAVE DISCUSSED IT WITH THE SURVIVING
21 VICTIMS OF MISS GIN (PHONETIC), WHO IS THE INDIVIDUAL
22 WHO DIED AS A RESULT OF MR. FRELIMO'S ACTIONS. AND THEY
23 UNDERSTAND AND ACCEPT THE PROPOSED DISPOSITION IN THIS
24 CASE.

25 THE COURT: ALL RIGHT. THE COURT ALSO FINDS
26 THAT DEFENDANT HAS BEEN INFORMED OF HIS RIGHTS, AND THAT
27 HE HAS FREELY AND VOLUNTARILY ~~UNDERSTOOD AND~~

28 INTELLIGENTLY GIVEN UP HIS RIGHTS. AND THAT HE HAS

1 ~~ENTERED HIS PLEA OF GUILTY WELL KNOWING THE CONSEQUENCES~~
2 ~~OF THAT PLEA. THEREFORE, THE PLEA WILL BE ACCEPTED.~~

3 THE DISTRICT ATTORNEY'S MOTION TO DISMISS COUNTS 1
4 AND 2?

5 MR. FAZIO: YES, PURSUANT --

6 THE COURT: IS GRANTED.

7 MR. FAZIO: -- TO SECTION 1385.

8 THE COURT: ALL RIGHT. DISMISSED, 1385,
9 INTERESTS OF JUSTICE.

10 MR. FAZIO: COULD WE HAVE A RETURN DATE OR DO
11 THEY ADVISE THE COURT WHEN THEY ARE FINISHED?

12 THE CLERK: MARCH 14TH.

13 THE COURT: MARCH 14TH, MONDAY.

14 ---000---

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(EXHIBIT B)

SUPERIOR COURT IN THE CITY AND COUNTY OF SAN FRANCISCO - MINUTES

People of the State of California vs. OBA LEE FRELIMO

☒ Present

SC #

Assistant DA of Record

Attorney of Record

151728

B. FAZIO

☒ Present

BARRY MELTON

☒ Present

Clerk

Judge

LOTUS JEW

ALFRED G. CHIANTELLI

Reporter

RICHARD CORVILLE #2675, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103

Cause on Calendar for Sentence.

Court has appointed MELTON/BARRY, conflict counsel.

Defendant waives formal arraignment for judgment, has been convicted of the crime(s) of felony by plea on : / /93

Count	Code	Section	Degree	MC #	Plea
3	PC	187/F	2	01446771	G

The Court has read and considered the pre-sentence report.

The Court orders defendant committed to state prison as follows:

(Defendant is sentenced to State Prison for a period of 15 year(s), Upper Term.
Total State Prison Term: 15 year(s).)

(Defendant to receive credit for time served 490 day(s) County Jail 244 day(s) SAGE
for a total of 734 day(s).)

The Court orders defendant committed to State Prison for 15 years to Life:Upper Term.

The Court states reason for sentence choice.

Defendant shall pay a restitution fine in the amount of \$200 pursuant to GC 13967.

(Defendant is advised of parole rights.)

The defendant is remanded to the California Department of Corrections.

* Housed at CYA until 18th birthday pursuant to WIC 1731.5(C).

INMATE COPY

LIFE PRISONER EVALUATION REPORT
INITIAL HEARING
MARCH 2005 CALENDAR

FRELIMO, OBA

J25506

PAGE 1

I. COMMITMENT FACTORS:

A. LIFE CRIME:

The Defendant plead guilty on May 5, 1994, San Francisco County Superior Court to Violation of PC187, Murder 2nd Degree in that he committed an armed Car Jacking and drove a stolen vehicle while fleeing from the police; case #151728 Sentenced to 15 years to life, no enhancements applied. Minimum Eligible Parole Date (MEPD) April 11, 2006. Victim, 61 year old woman, Alio Ginn. Defendant was 16 years old at the time of the Life Crime. Inmate Frelimo's California Department of Corrections (CDC) term started on July 1, 1994.

1. Summary of Crime:

On December 30, 1992 at approximately 1127 hours, the defendant struck a car in an intersection, causing death to Alio Ginn and injury to four other people. Information indicates that a Jeanette Rude was getting out of her vehicle on December 30, 1992 when the defendant approached her from the rear and displayed a gun, demanding her car keys and purse. The victim was afraid and complied. Police later saw the car and a police chase ensued. Police backed off when the defendant's speed reached 70 miles per hour on a city street. The defendant drove West on Waller Street and collided with the left side of a vehicle driven by Alio Ginn. The woman's six-year-old grandson was a passenger in the car. The force of the impact caused the woman's car to collide with another occupied vehicle and a parked vehicle. The woman died from multi traumatic injuries received in the collision. Her grandson suffered numerous cuts and scrapes, bruises on the back and sides of the body and a nosebleed. The defendant and his companion ran from the accident and tried to hide. Witnesses directed police to the defendant and his companion, both were captured. The defendant and his companion both admitted to police what they had done, both were then arrested.

2. Prisoner's Version;

During the pre-sentence report interview, the defendant said that the case involved an accident where the car he was driving ran out of control. He viewed the case as Vehicular Manslaughter. Upon interview on "4-15-2005" the prisoner version remained the same.

3. Aggravating/Mitigating Circumstances:

a. Aggravating Factors:

1. The crime involved the threat of violence and a want on Disregard for the public safety. 2. The defendant reportedly used a firearm to commit an Auto Theft. 3. The victims in this case had no way of protecting themselves against the defendant's reckless conduct. They also had no way of getting away or summoning help. The myriad of circumstances surrounding this case makes all the victims particularly vulnerable as a result of the defendant's actions. 4. This crime involved sophistication and planning. The defendant has a significant criminal history, which includes theft and auto theft. 5. The defendant has engaged in conduct indicating that he is a danger to society.

a. Mitigating Factors

Legal records did not indicate any factors of mitigation.

B. MULTIPLE CRIME(S):

None noted.

II. PRECONVICTION FACTORS:

A. JUVENILE RECORD:

1. Computerized records from the San Francisco Juvenile Court note that a petition as to a charge of theft and petty theft was sustained on December 21, 1990. Wardship was declared and the defendant ordered to live in his mother's home while on probation.

2. A petition as to a charge of second degree robbery was sustained on May 23, 1991. Wardship was re-declared and the defendant again placed on home probation. A commitment to the juvenile

~~hall was stayed. A fine and restitution were ordered.~~

3. A petition as to a charge of fighting in a public place was sustained on August 7, 1991 and combined with the below disposition.

4. A petition as to charges of theft, vandalism, possession of burglary tools and driving without lawful license was sustained on August 21, 1991. Wardship was re-declared and the defendant returned to his mother's home on probation. A six year, five month commitment to the Log Cabin Ranch School was stayed. 120 hours of community service was ordered along with a fine and restitution.

5. A petition as to a charge of auto theft was sustained on March 13, 1992. Wardship was re-declared and the defendant committed for out-of-home placement. A fine and restitution were ordered.

6. A petition as to charges of strong-armed robbery and assault was sustained on July 1, 1992. Wardship was re-declared and the defendant committed to the Log Cabin Ranch School for a term of eight years, nine months. A fine and restitution were ordered.

7. The San Francisco Juvenile Court terminated its jurisdiction on May 18, 1993.

B. ADULT CONVICTIONS AND ARRESTS:

December 30, 1992 Instant offense PC187 Murder 2nd Degree.

C. PERSONAL FACTORS:

Oba Lee Frelimo at the time of the life crime was at the age of 16 years. Frelimo is the only child born to his mother Barbara Brown and his father Roscoe Farmer. Inmate Frelimo was predominantly raised by his mother until he was approximately 16 years of age when he was taken to juvenile hall for the instant offense. Frelimo's father works in the San Francisco area and Frelimo keeps in contact with both parents. Frelimo reports good early and present family relationships. Frelimo reports he has 4 children, all with different mothers. Frelimo hasn't seen his kids for twelve years. The children are supported by their mothers.

III. POSTCONVICTION FACTORS:

A. SPECIAL PROGRAMMING/ACCOMMODATIONS:

In preparation for the scheduled Board of Prison Terms (BPT) life

~~prisoner hearing, the accommodation is required for the inmate's~~

II Remedial Plan. See CDC 128B dated January 28, 2005 Frelimo

has a reported grade level of 11th grade which was completed in

Juvenile Hall. He has not received Vocation Training or his GED

B. CUSTODY HISTORY:

Documented chronologically on the Post Conviction Progress Report.

C. THERAPY AND SELF-HELP ACTIVITIES:

None.

D. DISCIPLINARY HISTORY:

Inmate Frelimo has received 10 CDC RVR's and 22 CDC 128A's. These RVR's occurred between August 11, 2003 and April 22, 2004.

E. OTHER:

Prior recommendations from the BPT Documentation Hearing notes that Frelimo would benefit from Vocational training, attainment of GED, NA, AA and to become disciplinary free.

IV. FUTURE PLANS:

A. RESIDENCE:

Frelimo plans to live with his Fiancée in Riverbank, CA., which is located in Stanislaus County. She has one son, age 15 who resides with her. Frelimo's last County of legal residence was San Francisco County.

Residence address: Kimberly Minor (fiancée)
2657 Donner Trail
Riverbank, CA 95367 95367

B. EMPLOYMENT:

Frelimo plans to work at: Larimogo Co. (Clothing Sales)
1020 Piece Street Apt., B
San Francisco, CA

C. ASSESSMENT:

Frelimo is non-gang affiliated. He appears to have behavior control issues based upon the extensive In-custody disciplinarys.

Prior to release, Frelimo could benefit from:

1. ~~Becoming disciplinary free.~~
2. ~~Reduce placement and custody to a General Population.~~
3. Complete Vocational trades that would provide him with the life skills suitable to finding employment.

VI. SUMMARY:

- A. Frelimo was afforded an opportunity to be interviewed and review and examine his Central File on 4-15-2005, however, Frelimo declined to review his C-file. Please refer to general chrono (CDC 128B) Olsen Review form dated 4-15-2005.
- B. This report contains six hours of review of the Central file along with the Inmate being interviewed.

Prepared by:

C Torres
CC-I

Reviewed by:

JAR
CC-II

BOARD OF PRISON TERMS

LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

INMATE COPY

STATE OF CALIFORNIA

- ☐ DOCUMENTATION HEARING
- ☒ PAROLE CONSIDERATION HEARING - Initial
- ☐ PROGRESS HEARING

COPY TO INMATE
VIA CC-1 *Torres*
4/28/05

INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT.

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT, APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, i.e., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290-2292, 2410, AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
06-25-2003 to 06-30-2003			<p>PLACEMENT: Remained at Pelican Bay State Prison Security Housing Unit (PBSP-SHU) Indeterminate Status.</p> <p>CUSTODY: Maximum S (MAXS) custody.</p> <p>VOCATIONAL TRAINING: None.</p> <p>ACADEMICS: None.</p> <p>WORK RECORD: Work Group/Privilege Group (WG/PG) D2-D effective July 11, 2002 through October 12, 2003.</p> <p>GROUP ACTIVITIES: None.</p> <p>PSYCHIATRIC TREATMENT: None.</p> <p>PRISON BEHAVIOR: None.</p> <p>OTHER: No disciplinaries or Laudatory chronos in this timeframe.</p>
07-01-2003 to 06-30-2004			<p>PLACEMENT: Remained at PBSP-SHU Indeterminate Status.</p> <p>CUSTODY: Indeterminate MAXS custody.</p> <p>VOCATIONAL TRAINING: None.</p> <p>ACADEMICS: None.</p> <p>WORK RECORD: WG/PG D2-D effective July 11, 2002 through to October 12, 2003.</p> <p>GROUP ACTIVITIES: None.</p> <p>PSYCHIATRIC TREATMENT: On March 24, 2004 at Initial Psychiatric Services Unit (PSU) review based on Enhanced Outpatient Program (EOP) Level of Care (LOC) Frelimo was detained in PBSP PSU pending MAX Minimum Eligible Release Dated (MERD) of November 11, 2004.</p> <p>PRISON BEHAVIOR: Received Rules Violation Report (RVR) dated August 11, 2003 for specific act of Delaying a Peace Officer. Reduced to a lesser-included offense Division F, Disruptive Housing violations and 30-day Forfeiture of Credit (FOC). Received RVR dated August 22, 2003 for the specific act of Possession of a Deadly Weapon and assessed 360 FOC and a 10-month consecutive SHU term with a MERD</p>

CORRECTIONAL COUNSELOR SIGNATURE

G. TORRES, CC-I

J. RAMOS, CC-II

DATE

4-19-05

NAME

CDC NUMBER

INSTITUTION

CALENDAR

HEARING DATE

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

CONTINUATION SHEET: LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
07-01-2004 to 02-23-2005 Present			<p>of August 26, 2004. WG/PG D2-D through MERD per 2933.6 effective August 22, 2003. Received RVR dated October 28, 2003 for the specific act of Delaying a Peace Officer, received 90 day FOC. Received RVR dated December 1, 2003 and 30 day FOC for Refusal to Obey Orders. Received RVR dated December 2, 2003 for Delaying a Peace Officer and 61 days Loss of Credit (LOC). On December 14, 2003 received CDC 128B authored by W. Haynie, Correctional Sergeant regarding Frelimo's delusional behavior. Received administrative RVR on December 21, 2003 Destruction of State Property less than \$50.00. Received RVR dated March 29, 2004 for Refusal to Obey Orders and FOC of 30 days. Received RVR dated April 9, 2004 for Destruction of State Property over \$50.00 and 60 days FOC.</p> <p>On April 12, 2004 received RVR for Possession of a Deadly Weapon and 360 days FOC.</p> <p>On June 9, 2004 Institution Classification Committee (ICC) PBSP PSU assessed and Imposed a 15 month aggravated consecutive SHU term with a controlling MERD of October 19, 2005. Received RVR April 22, 2004 for Battery on a Peace Officer, 0 FOC taken due to time constraint violations.</p> <p>OTHER: None.</p> <p>PLACEMENT: On July 1, 2004 PBSP-PSU endorsed to completed a determinate SHU with a MERD of October 19, 2004. Classification Services Representative (CSR) notes a pending SHUable RVR dated April 22, 2004 for Battery on a Peace Officer MAX S custody. Received CDC 128B dated October 29, 2004 authored by N. Leary Correctional Sergeant regarding Inappropriate Behavior. On September 1, 2004 PBSP-SHU Assessed and Imposed a 12-month SHU term resulting in a MERD of October 19, 2005. Request Transfer to Corcoran (COR) SHU at California Correctional Institution (CCI) SHU based on Correctional Clinical Case Management Systems (CCCMS) Level of Care (LOC). On September 22, 2004 endorsed to CCI SHU to complete determinate SHU. Transferred to CCI IV-A SHU on December 23, 2004. On December 30, 2004 ICC elected to retain in SHU pending MERD of October 19, 2005 place on walk-alone yard received Olson Review on 4-15-2005 see CDC 128-B chrono located in Central file.</p> <p>CUSTODY: On December 23-2004 CCI ICC established MAX custody. Remained at MAX custody through this period.</p>

ORDER:

- ☐ BPT date advanced by _____ months.
- ☐ PBR date advanced by _____ months.

- ☐ BPT date affirmed without change.
- ☐ PBR date affirmed without change.

SPECIAL CONDITIONS OF PAROLE:

- ☐ Previously imposed conditions affirmed.
- ☐ Add or modify _____

Schedule of Progress Hearing on appropriate institutional calendar.

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
FRELIMO, OBA	J-25506	CCI IV-A	03/2005	

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

CONTINUATION SHEET: LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
			<p>VOCATIONAL TRAINING: None.</p> <p>ACADEMICS: None.</p> <p>WORK RECORD: WG/PG D2-D through MERD per PC 2933.6.</p> <p>GROUP ACTIVITIES: None.</p> <p>PSYCHIATRIC TREATMENT: None.</p> <p>PRISON BEHAVIOR:</p> <p>OTHER: None.</p>

ORDER:

☐ BPT date advanced by _____ months.☐ BPT date affirmed without change.☐ PBR date advanced by _____ months.☐ PBR date affirmed without change.

SPECIAL CONDITIONS OF PAROLE:

☐ Previously imposed conditions affirmed.☐ Add or modify _____

Schedule of Progress Hearing on appropriate institutional calendar.

NAME	CDC NUMBER	INSTITUTION	CALENDAR	HEARING DATE
FRELIMO, OBA	J-25506	CCI-IV-A	03/2005	

INMATE COPY

~~INMATE MENTAL HEALTH EVALUATION~~
THE BOARD OF PRISON TERMS
~~CALIFORNIA-CORRECTIONAL INSTITUTION~~

NAME: Oba Frelimo
CDC #: J-25506
DOB: May 26, 1976
DATE OF EVALUATION: January 12 - 13, 2005

PROCEDURE UTILIZED:

The inmate was clinically interviewed by the undersigned clinician for approximately 2 1/2 hours. The Medical and Central Files were reviewed for background data. The inmate was aware that the purpose of the evaluation was to submit the results to the Board of Prison Terms, and as such was not a confidential exchange. Having been informed, the inmate agreed to the interview process on this basis.

PSYCHOLOGICAL ASSESSMENT

I. IDENTIFYING INFORMATION:

This is Inmate Frelimo's initial board report. He is serving a life term which started July 1, 1994, for Murder 2nd Degree, and, is serving 15 years to life.

Inmate Frelimo was born on June 26, 1976, and is presently 28 years of age. He is a single African American male with no particular religious preference. He has numerous tattoo's on his body including tattoos on his right shoulder, "SFC", standing for San Francisco City on his left arm, a design of no significance on his right arm, and, on his left hand, the initials "KO" which stands for "Knock Out" which represents significance from his boxing years when he was 18, 19, and 20 years of age.

II. DEVELOPMENTAL HISTORY:

There are no prenatal, perinatal, or birth defects noted. Nor are there any abnormalities of developmental milestones, in speech, language, or motor development. Peer interactions and social interactions were normal considering his environment, and he denies having any serious habits. He is presently double celled at CCI after arriving recently, and he denies having any present difficulties living with his cellie. He has no history of cruelty to animals, history of enuresis, or arson. Later in his adolescence he was diagnosed with having Wolff-Parkinson-White Syndrome and he received laser heart surgery at age 21 approximately 22 or 23 to correct his irregular heart beat. He claims that this medical problem no longer exists. Also related to his developmental history was the lack of physical or sexual abuse as either the perpetrator or the victim.

Board of Prison Terms

Oba Frelimo, J-25606

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of 13 and 14 on a weekly basis for 3 – 4 months when referred by the Juvenile Court System. This was when “I was getting into a lot of trouble.”

III. EDUCATION:

Reported by the inmate and the C-file is a grade level of the 11th grade, which was completed in Juvenile Hall. The inmate states that he wants to finish his GED while at CCI. At the time of this interview, however, he has not submitted a request to the education department. He claims he has previously taken his GED and passed everything except for the math section, which he claims use to be his best academic subject. He claims he was a good student when he attended school with no special education needs. He claims that he received A's and B's as a student. He admits to having truancy behavior problems. He started to work on his GED when he was brought to the state penitentiary system while incarcerated at Folsom and Pelican Bay.

IV. FAMILY HISTORY:

Inmate Frelimo was predominately raised by his mother, Barbara Brown, who he believes is presently 41 or 42 years of age. He was raised by his mother until he was 16 and taken to Juvenile Hall followed by Log Cabin Boys' Ranch, Youth Authority, and then state penitentiary. He described his relationship with his mother as being good, describing her as being a nice mother. He denies that his mother has even incarcerated. He believes that she has asthma. At the present time his mother lives in San Francisco and has her own company selling clothing from her home. He also denies that his mother has any history of substance abuse. Inmate Frelimo is the only child, born to his mother Barbara Brown and his father, Roscoe Farmer.

Roscoe Farmer has never been married to Barbara Brown. Inmate Frelimo states that they lived together until he was approximately 10 years of age. His father also lives in the San Francisco area. He is described as being in his 50's and having Hepatitis C for which the inmate believes he is getting treatment. He believes his father was once incarcerated for bank robbery in a Federal Prison, when he was a young man. His father works in the San Francisco area and is an evangelist for Christ, having attended seminary.

Inmate Frelimo keeps in contact through letters from both parents. Occasionally they see each other and are on good terms with each other. Also, maternal and paternal grandmothers write to the inmate. He states that both grandmothers are deceased but both grandmothers are re-married and sometimes he hears from his step-grandfathers. Also noted is a maternal aunt who is mentally ill, however, the inmate does not know her diagnosis. In summary, inmate Frelimo reports good

Board of Prison Terms

Oba Frelimo, J-25606

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V. PSYCHOSEXUAL DEVELOPMENT/SEXUAL ORIENTATION:

Age of puberty was at approximately to be age 9. Frelimo's first sexual relationship was also at that age, and he claims to be heterosexual in orientation. He denies participation in high risk sexual behavior or sexual aggression.

VI. MARITAL HISTORY:

No marriages or common-law relationships exist. Nor were there any children born out of wedlock.

VII. MILITARY HISTORY:

None.

VIII. EMPLOYMENT AND INCOME HISTORY:

In 1990, Inmate Frelimo worked during the summer as a janitor and child supervisor at B.T. Washington Center. This job terminated naturally when the summer ended.

No vocational training, no work skills, or government programs were participated in, either on the streets or in prison. The reason for this, especially in prison, is that "I was never placed in an environment where I could get there." Construction work was cited as a current interest, should training become available.

IX. SUBSTANCE ABUSE HISTORY:

During ages 13, 14, and 15, Inmate Frelimo admits to daily use of marijuana and alcohol. He has also used LSD approximately 1 time per week. He denies using any substances of any type since his incarceration. He has never had any drug treatment, or placement in drug treatment facilities, or programs. He denies any current need for drug treatment stating that he last used drugs when he was 16. He denies using pruno in prison.

X. PSYCHIATRIC AND MEDICAL HISTORY:

Prior to his incarceration, inmate Frelimo denies having any emotional problems. As previously mentioned, however, he was treated between the ages of 13 and 14 for behavioral problems. He states that he became depressed and started hearing voices in 2000. He believes that these problems were related to his

Board of Prison Terms

Oba Frelimo, J-25606

Page 4

deaths in his family. He also cites that the suicide death of this mother's best friend, who he considered an "Aunt", even though they had no biological connection, troubled him. He was placed on Haldol and Congentin and also Respridal for treatment of his psychiatric condition. He claims that on at least 6 occasions he was thinking of killing himself. There were no actual reported attempts, however. No homicidal assaultive behavior was noted either. Inmate Frelimo is presently in the mental health program at CCI and is being treated with Zyprexa once a day at the hour of sleep. He has a previous diagnosis of schizophrenia by history, and a questionable impulse control disorder. Also, there is a diagnosis of attention deficit hyperactivity disorder by history, and anti-social personality disorder. At the present time he appears to be mentally stable, but because of the severity of the past schizophrenic and/or psychotic disorders the prognosis is guarded. He admits to occasional bouts with depression, related to "my people who passed away."

Also, as previously mentioned, he was treated for Wolff-Parkinson-White Syndrome for cardiac arrhythmia. No other significant medical problems were noted.

XI. PLANS IF GRANTED RELEASE:

If released, Inmate Frelimo plans to live with his mother. His parents, relatives, and lady friends constitute his support system. He agrees to comply with his conditions of parole and any recommended out patient treatment. He agrees to continue on his psychiatric medication as prescribed.

MENTAL HEALTH EVALUATION

XII. CURRENT MENTAL HEALTH STATUS:

At the present time his mental status shows no evidence of major psychotic symptoms. He was generally cooperative and pleasant without resistance to the interview. His behavior was appropriate to the situation. He was calm and respectful. He showed no evidence of hostility or anger. He showed motivation for change, although at the present time there is has been no evidence of looking for change due to lack of opportunities reported by him. He denied any present auditory or visual hallucinations. Nor is he presently suicidal or homicidal. ~~There was no unusual gait, mannerisms, ticks, gestures, twitches, or any other~~ unusual stereotypic behavior. He mood was generally normal. There were no indications of language impairment, such as incoherent or incomprehensible speech, or speech defects. The inmate was oriented to person, place, time, and

~~Board of Prison Terms~~

Oba Frelimo, J-25606

~~Page 5~~

compulsions, or looseness of association. In general, at the present time the inmate appears stable on his current medication.

Diagnostic Impression:

Axis I: 298.9 Psychosis, NOS (in remission
311 Depressive D, NOS
Axis II: 301.7 Anti-Social Personality Disorder
Axis III: Wolff-Parkinson-White Syndrome
Axis IV: Incarceration
Axis V: GAF: 68

XIII. REVIEW OF LIFE CRIME:

The inmate's version of the instant offense is as follows:

The inmate was on a 3 day furlough from Log Cabin Boys' Ranch. On the third day of that furlough he stole a vehicle from a "regular person" with the use of a gun. At the time he was with his friend Arvin Edwards. He and his friend were joyriding. Inmate Frelimo was driving. When they saw the police following behind, they started speeding, and, eventually lost the police. They got out of the car and walked away abandoning the stolen vehicle. After about 15 minutes they returned to the car at which time they switched drivers and Arvin Edwards took the wheel. The police again started chasing them. The police were about 1 block behind them when the accident occurred. Inmate Frelimo states that this happened on December 31, 1992. The inmate claims he was the passenger in the vehicle which ran the intersection and collided with another car occupied by the victim named Alio Ginn, who was the driver. Her grandson was also in her car. Alio Ginn was suddenly killed. Her grandson received cuts and bruises and survived, but later required treatment for emotional problems. The inmate states that he and Arvin Edwards had been drinking and smoking marijuana prior to the accident. The inmate states that he received cuts and bruises and the same holds true for his friend Arvin. Both cars were totalled, and after running from the scene of the crime, they were caught and taken into custody at county jail. Inmate Frelimo states that, "I'm suppose to be in prison for vehicular manslaughter." He admits, "I feel real bad, bad because an innocent person got killed because of my loose living. At the time of the accident I was being chased and shot at by the police."

His insight of the situation at the present time shows that when he was 16 years of age he was very unstable. He claims that everything about his environment was bad at that time. He felt it was cool to fly high. It was a way of life, a way to

~~Board of Prison Terms~~

Oba Frelimo, J-25606

~~Page 6~~

that he was running with a gang (Filmore Gang), but was never a member. He admits that he was caught up in the street gang element which influenced his life when he was trying to find himself. He felt nothing else was available to him in his living environment. It was the way of life.

Inmate Frelimo had a newspaper clipping which he kept because it covered the instant offense. After years of incarceration he realized that prior to the accident he met the victim. He stated that he had come in contact with Alio Grinn, who he described as being a juvenile advocate. When he was 14 years of age, he states, the victim had told him that if he didn't stop running around in stolen cars that someday he might hit her and kill her.

XIV. CLINICAL OBSERVATIONS/COMMENTS/RECOMMENDATIONS:

Assessment of Dangerousness:

Within a controlled setting Inmate Frelimo has received 10 RVR's and 22, CDC 128-A's. These include battery on a peace officer, possession of a deadly weapon (razor), destruction of state property, refusal to obey orders, destruction of state property, willfully delaying a peace officer, refusal to obey orders, willfully delaying a peace officer, possession of a deadly weapon, and willfully delaying a peace officer. These RVR's occurred between 8-11-03 and 4-22-04. In reviewing the types of offenses the examiner feels that most are related to his diagnosis of Anti-Social Personality Disorder.

Upon discussing the inmate's feelings of his dangerousness within a controlled setting, he responded by saying that he feels that he is "not dangerous at all. These were small incidents related or triggered by my mental illness." Likewise, if released to the community the inmate has shown great improvement in his mental health condition and mental status. Although he lost numerous family members through death, he "fought to get things together, and now I'm able to get a hold of things." He has also become a more mature individual. Although he has not received vocational training, or his GED, he has been productive in regard to spending time in a positive way while incarcerated. He has written 3 books with relevance to adolescent training and one book about change. He hopes to be able to publish these books. If he is released to the community, he would like to work with his mother. He also presently writes letters to Dominguez Boys and Girls Club to prevent juvenile crime.

The following recommendations include vocational training as available, completion of a GED, remain disciplinary free, continued utilization of the mental

Board of Prison Terms

Oba Frelimo, J-25606

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health department services, and psychotropic medication. The inmate also needs to learn detection signs and early symptoms indicating decompensation in his mental status so as to seek help early and appropriately. This is extremely important due to the fact that the inmate was previously an EOP patient, and, also is on forced medication per KEYHEA. Finally, the examiner feels that the inmate has untapped potential. He seems intelligent but needs motivation and encouragement to continue to grow.

Thank you for the consultative privilege.

Respectfully submitted,

S. Skeen, Ph.D.

S. SKEEN, Ph.D.
Licensed Clinical Psychologist
California Correctional Institution - Tehachapi

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

LIFE PRISONER: NOTICE OF HEARING RIGHTS**1. Purpose of Hearing:**

The purpose of a parole consideration hearing is to determine whether you are suitable for parole (15 CCR Sec. 2281 / 2402). The purpose of a progress hearing is to determine whether a parole release date should be advanced (15 CCR Sec. 2269(a)). The purpose of a rescission hearing is to determine whether a parole date should be rescinded or postponed (15 CCR Sec. 2450).

2. Rights to Hearing:

One year prior to your minimum eligible parole date a parole suitability hearing will be held (PC Sec. 3041 (a)). You are entitled to a formal parole suitability hearing each year thereafter unless the hearing panel denies parole for more than one year (PC Secs. 3041 (c), 3041.5 (b) (2)).

3. Right to Be Present, Speak: Waiver: Consequence of Absence:

You have a right to attend the hearing, ask and answer questions, and speak on your own behalf (PC Sec. 3041.5 (a) (2)). You may waive this right (see *In re Sydney M.* (1984) 162 CA3d 39,48 (juvenile hearing)). If you do not attend the hearing (unless you waive the hearing), a decision will be made in your absence (15 CCR Sec. 2248).

4. Attorney:

You are entitled to be represented by an attorney at the hearing (except progress hearing) (PC Sec. 3041.7). You may waive that right (15 CCR Sec. 2256 (b)). If you are unable to afford counsel (i.e., have less than \$1500 in cash and / or accounts), an attorney will be provided at state expense (15 CCR Sec. 2256 (c)).

5. Notice:

You will be notified of the week during which the hearing will be held at least one month before the hearing (15 CCR Sec. 2246). You will be given reasonable notice of the time, date, and place of the hearing.

6. Witnesses:

At a rescission hearing you are entitled to present and confront witnesses. At parole consideration and progress hearings you are not entitled to witnesses (see PC Secs. 3041.5 (a) (5), 2932 (c)).

7. Others Who May Attend the Hearing:

At parole consideration hearings the prosecutor (or representative) at the trial on the charges for which you are incarcerated will be invited to the hearing to represent the interests of the people (PC Sec. 3041.7). At parole consideration hearings notice of the hearing will also be given to the judge, prosecutor and your attorney at your trial (PC Sec. 3042 (a)). The victim or next of kin or their attorney may also attend and address the hearing panel (PC Sec. 3043).

8. Review of File: Opportunity to Present Evidence:

You have the right to review nonconfidential documents in your Department of Corrections central file and you may appeal insufficient disclosure. You may enter a written response to any material in the file and may present relevant documents to the hearing panel (15 CCR Secs. 2247, 2249). At a rescission hearing you may call witnesses

NAME
FRELIMO, OBA

CDC NUMBER
J25506

INST / REGION
CCI-IVA

LIFE PRISONER: NOTICE OF HEARING RIGHTS**9. Assistance in Preparing for the Hearing: Assistance in Communication:**

You may receive reasonable assistance in preparing for the hearing. If you are unable to effectively communicate due to language difficulties or a physical or mental defect, appropriate assistance (e.g., an interpreter) will be arranged for you (15 CCR Sec. 2251).

10. Postponements:

A postponement is a delay of a hearing date requested and granted before the hearing actually starts. You may request a postponement by doing so in writing to department staff before the hearing or orally immediately prior to the hearing. Requests for postponements may be granted where good cause is found (see 15 CCR Sec. 2253). Where the hearing has already started, continuances may be granted where: (1) insufficient information is present to determine any necessary fact (15 CCR Sec. 2238), or (2) the panel determines that a decision regarding parole cannot be made because of pending new criminal or disciplinary charges (15 CCR Sec. 2272).

11. Impartial Panel:

You are entitled to a hearing by an impartial panel and may request the disqualification of one or more panel members where grounds for disqualification exist (15 CCR Sec. 2250).

12. Record: Decision:

You are entitled to a copy of the record of the hearing upon request (15 CCR Sec. 2254). You are entitled to a copy of the decision which includes the information considered and the reasons for the decision (15 CCR Sec. 2255).

Abbreviations:

PC = California Penal Code

CCR = California Code of Regulations, formerly California Administrative Code

CA = California Appellate Reports

I have read and understand the list of rights and procedures (Items 1 through 12, above) and I have had an opportunity to ask questions about any rights or procedures that I did not understand.

De Torres
Signature

J-25506
CDC Number

2-1-05
Date

I explained the foregoing rights to the prisoner, provided him/ her with an opportunity to ask questions, and answered a questions he or she asked.

Signature	<i>C Torres</i>	Date	<i>2-1-05</i>
Name	<i>C Torres</i>	Title	<i>CC-I</i>
NAME	CDC NUMBER	INST / REGION	
<i>DELLINO, ORA</i>	<i>125506</i>	<i>CCLIVA</i>	

ISL PRISONER: PAROLE CONSIDERATION
HEARING NOTICE

The Board of Prison Terms will be considering you for parole under your Indeterminate Sentence during the week of:

1. To notice of the week during which the hearing will be held. This notice shall be provided no later than one month before the week during which the hearing will be held.
2. To review all non-confidential material in your Central File and to enter a written response to any material in the file. CDC regulations require up to 30 days advance notice for file review (Case Records Manual Section 436), so your request should be made at least 40 days before the hearing.
3. To the assistance of an interpreter if you do not speak or understand English. The board will provide an interpreter at State expense.
4. To a hearing before an impartial panel.
5. To be present, to ask and answer questions, and to present relevant documents and to speak in your own behalf.
6. To request a continuance. Continuances are granted only in unusual cases.
7. To receive a written statement of the decision.
8. To request and receive a copy of the record of the hearing (tape cassette) by filing a CRB 1084 form.

Receipt Acknowledged

Signature	CDC Number	Date
<i>W. L. Lemo</i>	J-25506	2-1-05

FRELIMO, OBA

J25506

CCI-IVA

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

LIFE PRISONER: REQUEST FOR ATTORNEY / WAIVER OF ATTORNEY OR WITHDRAWAL OF REQUEST

Date of Hearing	Time of Hearing	Type of Hearing
		INITIAL

Please complete and return as instructed by staff as soon as possible but no later than 5 days after receipt.

REQUEST FOR ATTORNEY



I request the assistance of an attorney at my hearing.

1. ☐ I have or can retain my own attorney. The attorney is:

Attorney's Name	Telephone
Attorney's Address	
Signature of Prisoner	CDC Number
	Date

2. ☒ I wish to have the state provide an attorney to assist me. I declare under penalty of perjury that I am indigent (I have less than \$1,500 in cash and/or accounts, Title 15 CCR § 2256(c)) and cannot afford an attorney.

Signature of Prisoner <i>Olga F. Lemos</i>	CDC Number <i>J-25506</i>	Date <i>2-1-05</i>
---	------------------------------	-----------------------

WAIVER OF ATTORNEY



I waive my right to have an attorney.

On _____ (Date), I was informed that I have been scheduled to appear before the BOARD OF PRISON TERMS for a hearing. I was also informed of my right to be represented by an attorney at my Board hearing. I know that if I am indigent and cannot afford to retain an attorney the state will appoint an attorney to represent me at state expense. Knowing this, I have decided that I DO NOT wish the assistance of an attorney at my Board hearing.

Signature of Prisoner	CDC Number	Date
-----------------------	------------	------

WITHDRAWAL OF REQUEST FOR AN ATTORNEY



I withdraw my request for an attorney.

I have reconsidered my request for an attorney at my Board hearing and have decided that I DO NOT wish to have the assistance of an attorney at my Board hearing. This decision to withdraw my request for an attorney is not being made as a result of any promises or duress. I know that if I withdraw my request for an attorney, I will not be able to later request an attorney again for this hearing.

Signature of Prisoner	CDC Number	Date
-----------------------	------------	------

NAME

CDC NUMBER

INSTITUTION

CONSENT FOR ATTORNEY OF RECORD TO EXAMINE RECORDS

The attorney assigned to represent me at my upcoming Parole Consideration Hearing is hereby authorized by me to act in my behalf, and I hereby grant my attorney permission to examine such records and transcripts as may be available pertaining to my incarceration and to be given copies of any document or information in my records which may be disclosed to my attorney.

M. F. Lino
Inmate's Signature

2-1-05
Date

C. Torres CC-I
Staff Witness

2-1-05
Date

[PAGES MISSING, THAT WERENT ISSUED TO PETITIONER, INCOMPLETE
25, 45, 49, 50 THRU 58]

INITIAL PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life)
Term Parole Consideration)
Hearing of:)

OBA FRELIMO)
_____)

CDC Number J-25506

**INMATE
COPY**

CALIFORNIA CORRECTIONAL INSTITUTION

TEHACHAPI, CALIFORNIA

OCTOBER 12, 2005

3:55 P.M.

PANEL PRESENT:

TRACEY ST. JULIEN, Presiding Commissioner
RUFUS MORRIS, Deputy Commissioner

OTHERS PRESENT:

OBA FRELIMO, Inmate
LEON R. HARRIS III, Attorney for Inmate

CORRECTIONS TO THE DECISION HAVE BEEN MADE - - - - -

No

See Review of Hearing

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1

P R O C E E D I N G S

2 DEPUTY COMMISSIONER MORRIS: We're on the
3 record.

4 PRESIDING COMMISSIONER ST. JULIEN: The
5 time is 3:55 p.m., and this is an initial parole
6 hearing for, is it Oba?

7 INMATE FRELIMO: Yes.

8 PRESIDING COMMISSIONER ST. JULIEN: Oba
9 Frelimo.

10 INMATE FRELIMO: Right.

11 PRESIDING COMMISSIONER ST. JULIEN: Okay.
12 CDC number J-25506. Today is October 12, 2005,
13 and we are at the Tehachapi Correctional Women's
14 Institution. The inmate was received on July 1,
15 1994. Life term started the same day. Count
16 three was murder-second, violation of Penal Code
17 Section 187, County of San Francisco, Case
18 Number 151728, and a term of 15-years to life,
19 was given a minimum eligible parole date of
20 April 12, 2006. Was that correct, sir?

21 INMATE FRELIMO: Right.

22 PRESIDING COMMISSIONER ST. JULIEN: Okay.

23 And the hearing is being tape-recorded, so we
24 are going to go around the room and introduce
25 ourselves.

26 INMATE FRELIMO: Okay.

1 say our first and last names, spell our last
2 name, and then when it's your turn, sir, if
3 you'd also state your CDC number. And my name
4 is Tracey St. Julien, S-T capital J-U-L-I-E-N,
5 Commissioner Board of Parole Hearings.

6 DEPUTY COMMISSIONER MORRIS: Rufus
7 Morris, M-O-R-R-I-S, Deputy Commissioner.

8 ATTORNEY HARRIS: Leon R. Harris, III,
9 H-A-R-R-I-S. I'm the attorney (indiscernible)
10 for Mr. Frelimo this afternoon.

11 INMATE FRELIMO: Oba Frelimo,
12 F-R-E-L-I-M-O, J-25506.

13 PRESIDING COMMISSIONER ST. JULIEN: Okay.
14 And are your glasses okay?

15 INMATE FRELIMO: Yes.

16 PRESIDING COMMISSIONER ST. JULIEN: Do
17 they need to be pushed up?

18 INMATE FRELIMO: (Indiscernible).

19 PRESIDING COMMISSIONER ST. JULIEN: Is
20 that better?

21 INMATE FRELIMO: Yes.

22 PRESIDING COMMISSIONER ST. JULIEN: Okay.

23 Mr. Frelimo, there's a statement right there in
24 front of you that talks about your ADA rights --

25 your disability rights, and I need you to please
26 read that aloud and I'm going to ask you some

1 INMATE FRELIMO: Okay.

2 "Americans with Disabilities Act,
3 ADA, is a law to help people with
4 disabilities. Disabilities are
5 problems that make it harder for
6 some people to see, hear, breathe,
7 talk, walk, learn, think, work, or
8 take care of themselves than it is
9 for others. Nobody can be kept
10 out of public places or activities
11 because of a disability. If you
12 have a disability, you have the
13 right to ask for help to get ready
14 for your Board of Parole hearing
15 -- BPH hearing, get to the
16 hearing, talk, read forms and
17 papers, and understand the hearing
18 process. BPH will look at what
19 you ask for to make sure that you
20 have a disability that is covered
21 by the ADA, and that you have
22 asked for the right kind of help.
23 If you do not get help or if you
24 don't think you got the kind of
25 help you need, ask for a BPH 1074
26 Grievance Form. You can also get

1 PRESIDING COMMISSIONER ST. JULIEN: Okay,

2 sir, and I have that on February 1 of 2005, you
3 signed a BPT form 1073 indicating you did not
4 have any disabilities. Is that still correct?

5 INMATE FRELIMO: Right.

6 PRESIDING COMMISSIONER ST. JULIEN: Okay.

7 And I note that you're wearing glasses.

8 INMATE FRELIMO: Right.

9 PRESIDING COMMISSIONER ST. JULIEN: So,
10 are those glasses to read or just to --

11 INMATE FRELIMO: To read.

12 PRESIDING COMMISSIONER ST. JULIEN: --
13 (indiscernible) vision?

14 INMATE FRELIMO: To read.

15 PRESIDING COMMISSIONER ST. JULIEN: So do
16 you need them to look around the room?

17 INMATE FRELIMO: No, I can take them off
18 and look around the room.

19 PRESIDING COMMISSIONER ST. JULIEN: Do
20 you want to take them off?

21 INMATE FRELIMO: Yeah, I would because
22 they keep falling.

23 PRESIDING COMMISSIONER ST. JULIEN: Okay.

24 INMATE FRELIMO: Thank you very much.

25 PRESIDING COMMISSIONER ST. JULIEN: Thank
26 you, sir. So then, without glasses you can see

1 INMATE FRELIMO: Right.

2 PRESIDING COMMISSIONER ST. JULIEN: Okay.

3 And obviously, you can hear me?

4 INMATE FRELIMO: Right.

5 PRESIDING COMMISSIONER ST. JULIEN: Okay.

6 And did you have any trouble walking from your
7 residence to here?

8 INMATE FRELIMO: No.

9 PRESIDING COMMISSIONER ST. JULIEN: You
10 had no trouble walking --

11 INMATE FRELIMO: No.

12 PRESIDING COMMISSIONER ST. JULIEN: --
13 going up or down stairs?

14 INMATE FRELIMO: No.

15 PRESIDING COMMISSIONER ST. JULIEN: And I
16 note that you are in the EOP program --

17 INMATE FRELIMO: Right.

18 PRESIDING COMMISSIONER ST. JULIEN: Is
19 that correct? Okay. And how long have you been
20 in the EOP program?

21 INMATE FRELIMO: Only for a few months.

22 PRESIDING COMMISSIONER ST. JULIEN: Okay.

23 And what is that program helping you with?..

24 INMATE FRELIMO: Really, right now, I'm

25 just waiting to be (indiscernible) out of the

26 program, but they just took me off of some

1 I'm just (indiscernible) out of the program.

2 PRESIDING COMMISSIONER ST. JULIEN: Okay.

3 And do you recall the name of the medication?

4 INMATE FRELIMO: Vipraxen (phonetic).

5 PRESIDING COMMISSIONER ST. JULIEN: Okay.

6 And has that helped you?

7 INMATE FRELIMO: It did when I needed it.

8 PRESIDING COMMISSIONER ST. JULIEN: Okay.

9 What about -- are you still on it?

10 INMATE FRELIMO: No, I'm not on it, no.

11 PRESIDING COMMISSIONER ST. JULIEN: Okay.

12 So when you were on it, did you have any side

13 effects that might prevent you from

14 participating in the hearing today?

15 INMATE FRELIMO: No.

16 PRESIDING COMMISSIONER ST. JULIEN: And

17 are you on any other medications now?

18 INMATE FRELIMO: No.

19 PRESIDING COMMISSIONER ST. JULIEN: Okay.

20 So, why did you have the need for the vipraxen?

21 INMATE FRELIMO: They issued it to me

22 when I was in Pelican Bay because I got into an

23 incident with the staff, and they diagnosed me

24 as having some kind of schizophrenia disorder.

25 PRESIDING COMMISSIONER ST. JULIEN:

26 Bipolar?

1 it or not.

2 PRESIDING COMMISSIONER ST. JULIEN: Do
3 you feel that you need some mental help?

4 INMATE FRELIMO: No.

5 PRESIDING COMMISSIONER ST. JULIEN: No?
6 Why do you think they said that you did then?

7 INMATE FRELIMO: Really, I don't know. I
8 guess probably at the time they figured I was
9 kind of out of it, because I was stressing going
10 through a lot with my family, so they may have
11 just made the diagnosis (indiscernible) that
12 information.

13 PRESIDING COMMISSIONER ST. JULIEN: Okay.
14 Some -- I heard some inmate's say that they
15 think that the Board views anybody who's been in
16 EOP or Triple CMS unfavorably. Have you heard
17 that?

18 INMATE FRELIMO: No.

19 PRESIDING COMMISSIONER ST. JULIEN: Okay.
20 (Indiscernible) well that is not true. If you
21 need to get mental health services, then you
22 should by all means do that. And not be
23 concerned with what anyone (indiscernible) about
24 that. Okay. And I noted that you don't have

26 INMATE FRELIMO: No.

27 PRESIDING COMMISSIONER ST. JULIEN: And

1 why is that?

2 INMATE FRELIMO: I -- basically
3 (indiscernible) the prison where they been
4 placing me at they been constantly going in
5 lockdown because of like race riots or whatever,
6 so the school system gets shutdown, I'm not able
7 to participate in school programs, and I been in
8 Ad-Seg a lot. I took my GED when I was in
9 Pelican Bay, but I never got a chance to pass it
10 because my math score was low. That was the
11 only thing. So when I got here I was trying to
12 get my math, you know, take classes so I can
13 pick up whatever I need to pick up so I can pass
14 the math portion of the GED. But there's no
15 educational services (indiscernible) so I'm kind
16 of like stuck.

17 PRESIDING COMMISSIONER ST. JULIEN: Okay.
18 So, why were you in Pelican Bay?

19 INMATE FRELIMO: I got shipped up here
20 from Corcoran to the mainline.

21 PRESIDING COMMISSIONER ST. JULIEN: So
22 you went from Corcoran to Pelican Bay?

23 INMATE FRELIMO: Yes.

24 PRESIDING COMMISSIONER ST. JULIEN: Okay.

25 So, what's going on with you?

26 INMATE FRELIMO: I (indiscernible) stay

1 PRESIDING COMMISSIONER ST. JULIEN:

2 (Indiscernible) trying to get in trouble. Okay.

3 Do you understand the correlation between your
4 behavior and your receiving disciplinarys, and
5 how that relates to what programs are going to
6 be available to you?

7 INMATE FRELIMO: Right, right, right.

8 PRESIDING COMMISSIONER ST. JULIEN: Do
9 you understand --

10 INMATE FRELIMO: Right.

11 PRESIDING COMMISSIONER ST. JULIEN: --
12 they are directly correlated? So as long as you
13 have high scores, as long as you're getting in
14 trouble, don't say that where you are the
15 programs aren't there. It's because of the
16 situation that you are in that you might not be
17 able to take advantage of things that are
18 available.

19 INMATE FRELIMO: Right.

20 PRESIDING COMMISSIONER ST. JULIEN: Okay.
21 So this is your initial hearing. So we are
22 going to -- in looking over your file I think
23 that you need somebody to go to lay down the law
24 to you because we're not finding what we would

25 ~~expect to find at a hearing. And so~~

26 since this is your first hearing we are probably

1 you should be doing. Okay. I'm going to give
2 you -- go ahead and give you an outline of the
3 hearing procedure. This hearing is being
4 conducted pursuant to Penal Code Sections 3041,
5 3042; and the rules and regulations of the Board
6 of Parole Hearings governing Parole
7 Consideration Hearings for Life Inmates. The
8 purpose of the hearing today is to consider your
9 suitability for parole. In doing so we will
10 consider the number and nature of the crimes you
11 were committed for, your prior criminal and
12 social history, and your behavior and
13 programming since your commitment. You had the
14 opportunity to review your Central File, and you
15 will be given an opportunity to correct or
16 clarify the record if necessary. We will
17 consider your progress since your commitment,
18 your counselor's report, and your psychological
19 evaluation. And if you have any changes in your
20 parole plans or anything like that, if you would
21 bring these to our attention. We'll reach a
22 decision today and inform you whether or not we
23 do find you suitable for parole, and the reasons
24 for that decision. Before we go any further,
~~25 I'd like to make sure you understand that we~~
26 expect you to be totally honest with us today.

1 will form the foundation for all of your future
2 hearings. If you do not get a date today, any
3 false statements you make will have an adverse
4 affect on your ability to get a date in the
5 future because future Panels will go through
6 these transcripts and if your story changes in
7 any way, (indiscernible) call you on it. Okay.
8 So you need to be completely honest. Nothing
9 that happens here today will change the findings
10 of the court. We are not here to retry your
11 case. We are here for the sole purpose of
12 determining your suitability of parole. Do you
13 understand that, sir?

14 INMATE FRELIMO: Yeah.

15 PRESIDING COMMISSIONER ST. JULIEN: Okay.
16 After we discuss your record and your
17 post-conviction factors, your attorney will have
18 the opportunity to ask you questions, and after
19 he asks you questions your attorney and you will
20 also be given an opportunity to make a final
21 statement as to why you should be found suitable
22 for parole. Then we will recess, clear the
23 room, deliberate, and after we have reached a
24 decision we will resume the hearing and announce

~~25 our decision. The California Code of~~
26 Regulations state that regardless of time
27 served, a life inmate shall be found unsuitable

1 for and denied parole if in the judgment of the
2 Panel the inmate would pose an unreasonable risk
3 of danger to society if released from prison.

4 Do you understand that, sir?

5 INMATE FRELIMO: Yeah.

6 PRESIDING COMMISSIONER ST. JULIEN: Okay.

7 And you also have certain rights. Those rights
8 include the right to a timely notice of this
9 hearing, a right to review your Central File,
10 and the right to present relevant documents.

11 And, Mr. Harris, have your client's rights been
12 met in that regard?

13 ATTORNEY HARRIS: Yes, they have.

14 PRESIDING COMMISSIONER ST. JULIEN: Okay.

15 You also have the right to be heard by an
16 impartial Panel. Do you have any objections to
17 today's Panel?

18 INMATE FRELIMO: No.

19 PRESIDING COMMISSIONER ST. JULIEN: Okay.

20 Mr. Harris?

21 ATTORNEY HARRIS: No objections.

22 PRESIDING COMMISSIONER ST. JULIEN: Okay.

23 You will receive a copy of the written tentative
24 decision today. That decision is subject to

~~25 review by the entire Board meeting as a whole~~

26 and by the Decision Review Unit. It's also

1 become effective within 120 days. A copy of the
2 decision and a hearing transcript will be sent
3 to you. And the Board no longer has an appeals
4 process, so if you have any objections or
5 complaints about the hearing today you need to
6 file those with the court, and you can find
7 information on that process in the Prison Law
8 Library (indiscernible) appeals correspondence,
9 (indiscernible) decision. And, Commissioner
10 Morris is there any confidential?

11 DEPUTY COMMISSIONER MORRIS: No.

12 PRESIDING COMMISSIONER ST. JULIEN: Okay.
13 Earlier I passed a hearing checklist marked
14 Exhibit One to your attorney to make sure we all
15 have the same documents, and I received that
16 back. Is that complete, Mr. Harris?

17 ATTORNEY HARRIS: Yes, Ma'am.

18 PRESIDING COMMISSIONER ST. JULIEN: Okay,
19 thank you. And do you have any additional
20 documents?

21 ATTORNEY HARRIS: No, I do not.

22 PRESIDING COMMISSIONER ST. JULIEN: Okay.

23 Do you have any preliminary objections?

24 ATTORNEY HARRIS: No, I just want to make

26 about the mental health services delivery

1 in EOP back in the year 2000, they said he met
2 the criteria for Triple CMS, but I don't know
3 whether he did get into Triple CMS or not, or he
4 just continued in EOP back then in 2000 to the
5 present time.

6 PRESIDING COMMISSIONER ST. JULIEN: Okay.
7 So Mr. Frelimo are you saying -- so you said
8 you're still in EOP.

9 INMATE FRELIMO: Right. I been out
10 before. I been (indiscernible) --

11 PRESIDING COMMISSIONER ST. JULIEN: Were
12 you --

13 INMATE FRELIMO: -- went back into the
14 system.

15 PRESIDING COMMISSIONER ST. JULIEN: Okay.
16 So you are in EOP currently?

17 INMATE FRELIMO: Right.

18 PRESIDING COMMISSIONER ST. JULIEN: Okay.
19 Have you ever been in Triple CMS?

20 INMATE FRELIMO: Yes.

21 PRESIDING COMMISSIONER ST. JULIEN: And
22 are you in Triple CMS now?

23 INMATE FRELIMO: No. I don't think so.

24 ATTORNEY HARRIS: (Indiscernible) EOP

26 (indiscernible) currently in EOP.

1 ATTORNEY HARRIS: You're taking

2 medications as well?

3 INMATE FRELIMO: No.

4 PRESIDING COMMISSIONER ST. JULIEN: Thank
5 you. Okay. And will Mr. Frelimo be speaking
6 with us today?

7 ATTORNEY HARRIS: Yes, he will.

8 PRESIDING COMMISSIONER ST. JULIEN: Okay.
9 Then I need to give you an oath, sir. Do you
10 solemnly swear or affirm the testimony you give
11 at this hearing will be the truth, the whole
12 truth, and nothing but the truth?

13 INMATE FRELIMO: Yeah.

14 PRESIDING COMMISSIONER ST. JULIEN: Okay.
15 Thank you. And I'm gong to read the summary of
16 the crimes as it appears in the March 2005 Board
17 report. And that report was prepared by
18 Correctional Counselor I, last name Torres,
19 T-O-R-R-E-S. And reviewed by Correction
20 Counselor II -- I don't know, I can barely make
21 out the initials. It looks like J-A-R. And it
22 says that "

23 "On December 30, 1992, at
24 approximately 11:27 hours the

25 defendant struck a car in an

26 intersection, causing death to

1 last name G-I-N-N -- and injured
2 four other people. Information
3 indicates that a (indiscernible)
4 Rude, R-U-D-E, was getting out of
5 her vehicle on December 30, the
6 same day, when the defendant
7 approached her from the rear and
8 displayed a gun, demanding her car
9 keys and purse. The victim was
10 afraid and complied. Police later
11 (indiscernible) and police
12 (indiscernible) pursuit. Police
13 backed off when the defendant's
14 speed hit 70 miles per hour on a
15 city street. The defendant drove
16 West on (indiscernible) Street and
17 collided with the left side of a
18 vehicle driven by Alio Ginn. The
19 woman's six-year-old grandson was
20 a passenger in the car. The force
21 of the impact caused the women's
22 car to collide with another
23 occupied vehicle and a parked
24 vehicle. Mrs. Ginn died from a
25 ~~multiple trauma injury received in~~
26 the collision. Her grandson

1 scrapes, bruises on the back and
2 sides of the body and a nosebleed.
3 The defendant and his companion
4 ran from the accident and tried to
5 hide. Witnesses directed police
6 to the defendant and his
7 companion. Both were captured.
8 The defendant and his companion
9 both admitted to the police that
10 they (indiscernible), and both
11 were arrested."

12 Okay, so in your version -- we have here a
13 prisoner's version. It says during the
14 pre-sentence report interview you said that the
15 case involved an accident where the car he was
16 driving ran out of control. He viewed the case
17 as vehicular manslaughter. Now, is that still
18 accurate?

19 INMATE FRELIMO: Yeah.

20 PRESIDING COMMISSIONER ST. JULIEN: So
21 you view this case as vehicular manslaughter?
22 Why is that?

23 INMATE FRELIMO: I had no control of the
24 car.

25 PRESIDING COMMISSIONER ST. JULIEN: Okay.
26 Whose car was it?

1 PRESIDING COMMISSIONER ST. JULIEN: Okay.

2 And what is stealing a car? What kind of crime
3 is stealing a car?

4 INMATE FRELIMO: Robbery.

5 PRESIDING COMMISSIONER ST. JULIEN: But
6 is it a misdemeanor, a felony?

7 INMATE FRELIMO: It's a felony
8 (indiscernible).

9 PRESIDING COMMISSIONER ST. JULIEN: Okay,
10 so do you understand the felony murder rule?

11 INMATE FRELIMO: Yes.

12 PRESIDING COMMISSIONER ST. JULIEN: Okay.

13 So, then what would make you think that this is
14 vehicular manslaughter and not felony murder?

15 INMATE FRELIMO: (Indiscernible) before
16 we even got into the car crash, and the police
17 (indiscernible), the robbery was already
18 committed. It was over with, we (indiscernible)
19 a parked car, we got out of it --

20 PRESIDING COMMISSIONER ST. JULIEN: But
21 you did take the car before you got out of --

22 INMATE FRELIMO: No, that after. That
23 was after, when we got back in the car that's
24 when (indiscernible).

25 ~~PRESIDING COMMISSIONER ST. JULIEN: Yeah,~~

26 but you were still in a stolen vehicle.

1 (indiscernible) of the robbery, it wasn't like
2 the robbery just took place and the police
3 started (indiscernible) --

4 PRESIDING COMMISSIONER ST. JULIEN: But
5 it's still the same crime.

6 INMATE FRELIMO: (Indiscernible).

7 PRESIDING COMMISSIONER ST. JULIEN: So,
8 do you feel today that -- well, let me ask it
9 this way. Do you feel that you should be
10 convicted of murder?

11 INMATE FRELIMO: Murder?

12 PRESIDING COMMISSIONER ST. JULIEN: You
13 got a conviction of murder-second. Do you feel
14 that that was a (indiscernible)?

15 INMATE FRELIMO: No.

16 PRESIDING COMMISSIONER ST. JULIEN: Okay.
17 And that was because --

18 INMATE FRELIMO: I didn't intend to kill
19 anyone.

20 PRESIDING COMMISSIONER ST. JULIEN: Well,
21 murder-second doesn't require intent. You
22 intended to rob.

23 INMATE FRELIMO: Right.

24 PRESIDING COMMISSIONER ST. JULIEN: You
25 intended to do the hijacking. And every crime
26 that falls on that initial crime is combined

~~1 (indiscernible) with it. So do you feel that~~

2 you should have been convicted of murder?

3 INMATE FRELIMO: No.

4 PRESIDING COMMISSIONER ST. JULIEN: Okay.

5 And has anyone, counselors or whoever, has

6 anyone talked to you about why you were

7 convicted of murder.

8 INMATE FRELIMO: I accepted a deal.

9 PRESIDING COMMISSIONER ST. JULIEN: Okay.

10 Do you accept responsibility for the murder of

11 Mrs. Ginn?

12 INMATE FRELIMO: Do I accept the --

13 PRESIDING COMMISSIONER ST. JULIEN:

14 Responsibility for --

15 INMATE FRELIMO: -- responsibility for

16 killing? Of course. I was reckless and I was

17 (indiscernible).

18 PRESIDING COMMISSIONER ST. JULIEN: Okay.

19 Then why don't you think you should have been

20 convicted of murder?

21 INMATE FRELIMO: Because I didn't

22 intentionally kill her. It's not like I had

23 (indiscernible) like this specific person I'm

24 going to murder. It could have been my mother

25 in that car, anybody, I was like three blocks

1 had not control over it.

2 PRESIDING COMMISSIONER ST. JULIEN: And
3 so you got to understand how you, how that
4 initial crime, the carjacking, travels to
5 whatever offense has happened after that initial
6 crime. Okay. Well, you're here today, and you
7 were convicted of murder, and I'm asking you
8 these questions because I'm trying to figure out
9 if you have any remorse, or insight into this
10 murder (indiscernible).

11 INMATE FRELIMO: Well, yes, I do now. I
12 was 16 when this all happened so I was real
13 young, you know what I'm saying. I didn't
14 really have any sort of understanding or sense
15 of direction in life, but now that I'm older,
16 I'm 29-years old, I mean, it's a terrible thing,
17 you know what I'm saying. Had I been living my
18 life differently it never would have happened.

19 PRESIDING COMMISSIONER ST. JULIEN: Okay.
20 So what understanding now have you been able to
21 come to about this --

22 INMATE FRELIMO: I mean basically I
23 should have been more (indiscernible) of what
24 decision I made, what people I was around when I
25 was younger. Now, you know, I'm not a follower
26 any longer. I'm a leader, so I don't just do

1 -- go out and do things just (indiscernible)
2 without thinking first about the consequences
3 behind my actions.

4 PRESIDING COMMISSIONER ST. JULIEN: Okay.
5 So is it true that you had met -- that you knew
6 Mrs. Ginn?

7 INMATE FRELIMO: I'd met her before,
8 downtown at Embarcadero. She was like passing
9 out Toys for Tots, because she was a youth
10 advocate. I guess she heard about my numerous
11 (indiscernible) while I was a juvenile
12 (indiscernible) kill somebody. (Indiscernible)
13 something like that.

14 PRESIDING COMMISSIONER ST. JULIEN: So
15 don't you think that was prophetic in a way? I
16 mean, how has that affected you?

17 INMATE FRELIMO: Only God, only God can
18 (indiscernible) and it's like all my life's been
19 like that, you know, people telling me
20 (indiscernible) something. The obvious happens,
21 and it's like okay. I'm starting to see things
22 down here. You know, we think we run
23 everything, control everything, but we don't.

24 PRESIDING COMMISSIONER ST. JULIEN: Who
25 do you mean by we?

26 INMATE FRELIMO: Like people period in

1 controls everything that happens down here.

2 That we all have a life lesson to live, but
3 everybody's name is in the Book of Life. Just,
4 you know, things that you're doing, how you live
5 your life (indiscernible). Sometimes you can do
6 things that hurt other people and don't
7 (indiscernible) to, and that's how I got
8 (indiscernible) place, I didn't expect to hurt
9 anybody. I mean, at the time I wasn't thinking
10 clearly, I didn't think that my actions would
11 hurt anybody.

12 PRESIDING COMMISSIONER ST. JULIEN: So
13 even after she told you that, it seems like she
14 was trying to help you. So after she told you
15 that, did it -- did you think about it at all?
16 I mean, I know you were young, I know that you
17 remembered it after you found out who she was
18 and --

19 INMATE FRELIMO: Right. When I was
20 reading (indiscernible) who she was and I was
21 like (indiscernible). Because a lot of that
22 information was kept from me (indiscernible)
23 later on (indiscernible) I got the information,
24 so I started doing a lot of soul searching.

25 PRESIDING COMMISSIONER ST. JULIEN: Okay,
26 and so in that soul searching what did you come

1 INMATE FRELIMO: (Indiscernible) little
2 rowdy because I grew up in a community where,
3 you know, (indiscernible) so only thing I knew
4 was what was around me. You know what I'm
5 saying, I wasn't too (indiscernible) pick up
6 books and read and learn about the world and
7 culture and struggles of America or what's going
8 on in America so -- and so I, you know,
9 basically came to prison. I started reading
10 books, learning things, and my view of life has
11 totally changed, you know what I'm saying. I
12 understand that I was on the wrong side. I
13 mean, and it's not like I've never spent time on
14 the streets doing things positive because I
15 have. You know, I worked with police to
16 (indiscernible). I have uncles and cousins in
17 the military and so I done things with them, and
18 at the time I was young. I believe I basically
19 needed mentors. I needed more people around me
20 just to help me out for me to sort through what
21 I had to, you know, basically overcome
22 (indiscernible) my parents, where I lived at,
23 you know what I'm saying. And now I've been
24 able to do that.

~~25 PRESENTING COUNSELOR SP. COLLIER: Okay.~~
26 Had you ever done a carjacking before?

1 PRESIDING COMMISSIONER ST. JULIEN: San

2 Francisco. So was it a poor area of San
3 Francisco?

4 INMATE FRELIMO: Filmore District.

5 PRESIDING COMMISSIONER ST. JULIEN: Okay.

6 And you had -- you were raised, it says,
7 primarily by your mom --

8 INMATE FRELIMO: Right.

9 PRESIDING COMMISSIONER ST. JULIEN: --
10 until about 16. And what about other siblings,
11 brothers and sisters?

12 INMATE FRELIMO: None.

13 PRESIDING COMMISSIONER ST. JULIEN: You
14 don't have any. And you have four children?

15 INMATE FRELIMO: Yeah.

16 PRESIDING COMMISSIONER ST. JULIEN: How
17 did you (indiscernible) four children before 16?
18 I read that, and I thought for sure that was a
19 misprint. So, what -- how many kids would you
20 have had if you didn't get locked up? Do you
21 understand the responsibility of having children
22 now?

23 INMATE FRELIMO: Yes.

24 PRESIDING COMMISSIONER ST. JULIEN: What

~~25 about that? I mean, I don't understand. I just~~

26 don't understand. So you were -- were you in

27 school?

1 INMATE FRELIMO: Yeah.

2 PRESIDING COMMISSIONER ST. JULIEN: Did
3 you work?

4 INMATE FRELIMO: I had summer jobs.

5 PRESIDING COMMISSIONER ST. JULIEN: So
6 was your mom okay? It sounds like you had your
7 mom. You had your grandmothers. It appears
8 that your dad might not have been there. Did he
9 live in San Francisco?

10 INMATE FRELIMO: Yeah, he stayed like two
11 blocks away.

12 PRESIDING COMMISSIONER ST. JULIEN: Did
13 you see him often?

14 INMATE FRELIMO: Yeah.

15 PRESIDING COMMISSIONER ST. JULIEN: So
16 what do you think your parent's (indiscernible)?

17 INMATE FRELIMO: I don't think they --
18 basically, my parents did everything right when
19 we -- when I was really influenced by the
20 streets, you know.

21 PRESIDING COMMISSIONER ST. JULIEN: Well,
22 not everybody is, so why do you think you were?

23 INMATE FRELIMO: I wanted everything that
24 I saw a little too fast.

~~25 PRESIDING COMMISSIONER ST. JULIEN: So, you~~
26 you have a contact with your children?

1 (indiscernible).

2 PRESIDING COMMISSIONER ST. JULIEN: Do
3 you want to?

4 INMATE FRELIMO: Yes.

5 PRESIDING COMMISSIONER ST. JULIEN: Have
6 you ever thought about how you would contact
7 them, or how -- what happens if you get a letter
8 from one of them?

9 INMATE FRELIMO: I been trying to contact
10 them for the past year now.

11 PRESIDING COMMISSIONER ST. JULIEN: Do
12 you know where their mothers are?

13 INMATE FRELIMO: Not really.

14 PRESIDING COMMISSIONER ST. JULIEN:
15 (Indiscernible) were any of them boys?

16 INMATE FRELIMO: Two, two girls.

17 PRESIDING COMMISSIONER ST. JULIEN: So
18 what if they're getting in trouble? You have a
19 lot to think about.

20 INMATE FRELIMO: I think about it every
21 day.

22 PRESIDING COMMISSIONER ST. JULIEN: Does
23 your mom -- do you think your mom might have
24 (indiscernible).

25 INMATE FRELIMO: No, she doesn't even
26 really believe I have any children.

1 do you know?

2 INMATE FRELIMO: Because when I was out
3 there these females they -- I never had any
4 blood tests or anything that my mom's been
5 wanting me to do. Two of the kids I met and two
6 of the other children I was told that they were
7 conceived, so I never got a chance to --

8 INMATE FRELIMO: Do you know that you
9 have some safe sex classes in here?

10 PRESIDING COMMISSIONER ST. JULIEN: No.

11 INMATE FRELIMO: You haven't? I know
12 they offer HIV prevention and all that kind of
13 stuff. Okay. So your juvenile record, that's
14 all you have since you were 16. Theft, petty
15 theft, in 1990. So you were made a ward of the
16 court. Is that correct? A wardship? Okay, do
17 you think (indiscernible) another in 1991? A
18 wardship was re-declared and you were placed on
19 home probation -- and I guess that was the
20 second time on home probation, and the
21 commitment to juvenile hall was stayed. What do
22 you think would have happened to you if you had
23 gone into juvenile hall, as opposed to being on
24 home probation?

25 INMATE FRELIMO: (Indiscernible).

26 PRESIDING COMMISSIONER ST. JULIEN: Let's

1 INMATE FRELIMO: I been in juvenile hall
2 before.

3 PRESIDING COMMISSIONER ST. JULIEN: -- do
4 you think -- well, do you think (indiscernible)
5 earlier. I don't have you at juvenile hall. I
6 have you at Log Cabin Ranch School. When were
7 you in juvenile hall?

8 INMATE FRELIMO: I was in juvenile like
9 20, 30 times.

10 PRESIDING COMMISSIONER ST. JULIEN:
11 (Indiscernible). Okay. Thirty times? Was that
12 for different -- okay.

13 ATTORNEY HARRIS: Only thing I can see is
14 on number two, it says that juvenile hall was
15 stayed.

16 PRESIDING COMMISSIONER ST. JULIEN: Yeah,
17 that's the only thing I saw, so I thought you
18 hadn't done juvenile hall. That you had just
19 gone to the Ranch. Okay, do think anything
20 would have stopped -- what do you think would
21 have stopped this pattern of criminal behavior
22 that subsequently led this life offense? Do you
23 think anything could have stopped you?

24 INMATE FRELIMO: Honestly, I didn't

~~25 expect to see 25. Any other questions?~~
26 see 18. If this wouldn't have happened, I would

1 PRESIDING COMMISSIONER ST. JULIEN: And

2 would that have been okay with you? I mean,
3 what --

4 INMATE FRELIMO: At the time, when I was
5 (indiscernible) I wasn't even (indiscernible)
6 that's major. Where I come from people die
7 early, you know. Every day, possibly once a
8 month, I hear from my family somebody died. I
9 lost so many family members since I been locked
10 up for 14 years, so it's like saving me totally.

11 PRESIDING COMMISSIONER ST. JULIEN: Did
12 you ever want anything more from life?

13 INMATE FRELIMO: Yeah, I wanted to be a
14 doctor (indiscernible).

15 PRESIDING COMMISSIONER ST. JULIEN: And
16 then what happened, you just got caught up in --

17 INMATE FRELIMO: I came (indiscernible)
18 to achieving that goal when I was at Log Cabin.
19 I had a lot of people helping me. Buying me,
20 you know, books about the anatomy and
21 (indiscernible) told me (indiscernible) talked
22 my GED (indiscernible) in the past. I had
23 somebody that was willing to pay for me to go
24 off to college, to pay for my room and board, to
~~25 buy me an automobile, clothes. All I had to do~~
26 was finish the Ranch program, that's all they

1 this happened. I lost everything.

2 PRESIDING COMMISSIONER ST. JULIEN: Okay.

3 And so do you understand why you did this, why
4 you let that happened? Because that sounds like
5 a once in a lifetime golden opportunity. But
6 hijacking a car that subsequently -- you say you
7 didn't know the murder was going to happen --
8 the death of Mrs. Ginn was going to happen. But
9 you knew that carjacking was wrong. So with
10 that, you had this big package (indiscernible),
11 but yet you risked it. And by risking it, you
12 did lose it. Do you have any idea -- I know you
13 were young, but now -- do you have any idea now
14 what made you want to take that chance to lose
15 that once in a lifetime opportunity.

16 INMATE FRELIMO: I wasn't thinking
17 clearly. I wasn't thinking at all.

18 PRESIDING COMMISSIONER ST. JULIEN: Do
19 you know what -- have you heard of
20 self-sabotage? You've heard that
21 (indiscernible) that you're really setting
22 yourself up to fail.

23 INMATE FRELIMO: I don't think I was even
24 conscious whatever at the time I was

~~25 self-sabotaging myself. I was a... ..~~
26 lost I was basically, when I was there with

1 even cross my mind.

2 PRESIDING COMMISSIONER ST. JULIEN: Okay.

3 That's what you were doing. Okay. And it is my
4 colleagues area to talk to you about your
5 disciplinarys and post-conviction factors, but I
6 need to ask you, do you ever -- do you want to
7 get out of prison?

8 INMATE FRELIMO: Yes.

9 PRESIDING COMMISSIONER ST. JULIEN: Okay.

10 Do you think you're going to ever get out, going
11 the way you're going?

12 INMATE FRELIMO: No.

13 PRESIDING COMMISSIONER ST. JULIEN: Okay.

14 So again, I mean, everything that you said you
15 were doing when you were younger that got you in
16 here, you're still continuing to do. Do you
17 have any explanation? What's it going to take
18 to turn you around?

19 INMATE FRELIMO: I mean, I pretty much

20 already started (indiscernible) myself

21 (indiscernible) two years, even kinda like

22 before, like '98, I started having a change

23 (indiscernible) I'm doing. You know, I faced --

24 I learned how to conduct myself and I been

25 ~~labeled as a bad person, and (indiscernible) as an~~

26 adult. To think rationally, you know, make good

1 things happens, and you just gotta do what you
2 gotta do or you know --

3 PRESIDING COMMISSIONER ST. JULIEN: No,
4 you don't have to do. When you say do what you
5 gotta do, I imagine that means defend yourself
6 of something like that. Well, you continue
7 doing any of the things you're doing
8 (indiscernible) you know, so you have to make
9 that decision. Are you going to fight for your
10 life, to have -- at some point in time to have a
11 better life, or are you just going to resign
12 yourself to doing you know, getting in trouble
13 and staying? I mean, I think you really really
14 really need to think about that, and come to
15 some decision and stick with it. Because all of
16 these years of disciplinarys in the Board's eyes
17 -- you know you lose those years. When they do
18 the calculations you don't get any, you know,
19 points for those years that you incurred
20 (indiscernible) go away. So it's not like
21 you've, you know, like the past years are going
22 to count for anything. Okay, so your future
23 plans -- you have a fiancée, Kimberley?

24 INMATE FRELIMO: Yes.

25 PRESIDING COMMISSIONER ST. JULIEN: And
26 how did you meet Kimberley?

1 PRESIDING COMMISSIONER ST. JULIEN: Okay.

2 And is she a friend of your aunt's?

3 INMATE FRELIMO: Yes.

4 PRESIDING COMMISSIONER ST. JULIEN: Okay.

5 And how does she feel about you being in prison?

6 INMATE FRELIMO: She's dealing with it.

7 She, you know, she thinks it's real sad I been
8 locked up this long since I was a kid.

9 PRESIDING COMMISSIONER ST. JULIEN: Well,
10 does she know why you've been locked up?

11 INMATE FRELIMO: Yeah.

12 PRESIDING COMMISSIONER ST. JULIEN: Does
13 she know how you've been behaving in prison?

14 INMATE FRELIMO: (Indiscernible).

15 PRESIDING COMMISSIONER ST. JULIEN: Okay.

16 So it's not sad, it's regrettable. Okay, and
17 then -- where is River (indiscernible). I'm not
18 sure where --

19 INMATE FRELIMO: (Indiscernible).

20 PRESIDING COMMISSIONER ST. JULIEN: Okay.
21 Because I have that's where Kimberley lives, and
22 you'd like to (indiscernible). But then I have
23 for your employment plans to work at -- to work
24 in San Francisco. So that seems to be pretty

25 far. And what is the -- is it Miramar

26 (indiscernible)?

1 PRESIDING COMMISSIONER ST. JULIEN: Is

1 INMATE FRELIMO: In (indiscernible) Hill.

2 PRESIDING COMMISSIONER ST. JULIEN: Okay.

3 So you knew each other as kids?

4 INMATE FRELIMO: Right.

5 PRESIDING COMMISSIONER ST. JULIEN: She

6 says that your parents (indiscernible) and she

7 sounds like she's doing okay.

8 INMATE FRELIMO: Yeah.

9 PRESIDING COMMISSIONER ST. JULIEN: So

10 what do you think the difference between you and

11 her was? Why is she okay?

12 INMATE FRELIMO: She made better choices

13 than I did.

14 PRESIDING COMMISSIONER ST. JULIEN: So

15 would you say not the same environment, a

16 similar environment?

17 INMATE FRELIMO: Somewhat similar,

18 somewhat (indiscernible).

19 PRESIDING COMMISSIONER ST. JULIEN: So

20 sometimes it does come down to choices, right?

21 INMATE FRELIMO: Yes.

22 PRESIDING COMMISSIONER ST. JULIEN: Okay.

23 So she -- it sounds like she's somebody positive

24 that you should have in your life. She says

25 that you have had a lot of time to think, to

26 reconsider the disadvantages of being a

1 "He and I kept in contact the
2 majority of this time; and his
3 letters allow me to witness
4 another change in the state of
5 mind. This time know that he made
6 entirely out of (indiscernible) on
7 his own. His sentence has allowed
8 him to regroup, to study and form
9 his own worldview. He writes
10 articles and columns and seeks to
11 encourage those around him,
12 despite the fact that some of his
13 (indiscernible) considered to be
14 better off than he is because
15 we're not locked up."
16 And she continues to say you're very optimistic.
17 "It is this optimistic hope that makes me
18 confident that he will use the sum of his former
19 experiences to (indiscernible)." And then she
20 urges us to let you go on to become a productive
21 citizen. And then we have a letter from and I'm
22 not sure, somebody who lives on Shady Drive in
23 Houston? Who is that?

24 INMATE FRELIMO: (Indiscernible) Brown.

~~25 PRESIDENT COMMISSIONER ST. JULIEN:~~ Okay.

26 No, somebody else. Is it Christie, or --

1 (indiscernible).

2 PRESIDING COMMISSIONER ST. JULIEN:

3 Chastity Brown. Okay. And she writes that --

4 the copy is bad, so I'm going to

5 (indiscernible). (Indiscernible) of the

6 (indiscernible) in our lives, and our kids'

7 lives, we have a job already set up for Oba, and

8 (indiscernible) he can stay free of charge.

9 She's your first cousin. Okay. That's in

10 Texas. And then your grandmother, who lives in

11 Texas as well. Is that Houston?

12 INMATE FRELIMO: Yeah.

13 PRESIDING COMMISSIONER ST. JULIEN: Okay.

14 Arre L. Brown, A-R-R-E, and she writes,

15 "We'd really appreciate it if Oba

16 could be released as early as

17 possible. We have a church where

18 he would be attending, our

19 community church. He could live

20 at my residence free of charge

21 until he finds a steady career."

22 Okay. And then a letter from Nathan Hare,

23 H-A-R-E, and he is a Ph.D. clinical

24 psychologist. And he writes that "I came to

25 know Oba briefly when I was employed on the

1 probably referred by his (indiscernible). "I
2 was particularly impressed by his expanding
3 psycho-social sophistication and his level since
4 (indiscernible)." It says, "I can also
5 (indiscernible) contribution to society
6 (indiscernible) network of individuals and
7 professionals I've had the privilege
8 (indiscernible). Oba is a (indiscernible) will
9 contribute to the benefit of his self and his
10 (indiscernible)." Okay. And it looks like it's
11 -- I'm not sure, is it Cheryl Burleson?

12 INMATE FRELIMO: Yes.

13 PRESIDING COMMISSIONER ST. JULIEN:

14 B-U-R-L-E-S-O-N. And she lives in San
15 Francisco, (indiscernible) that "He's been
16 rehabilitated and I can assure you would have no
17 problems adjusting to society upon his release.
18 I (indiscernible) would be a model citizen and
19 be able to (indiscernible) community." And then
20 (indiscernible) Health Services, and that is
21 (indiscernible) off (indiscernible). And this
22 letter is written by Terry Hobson, H-O-B-S-O-N.
23 And she says -- first, she's writing to the
24 Court.

25 "Hopefully you'll be released

26 soon. Upon his release

1 (indiscernible) and his friends

2 plan (indiscernible). I'll also
3 assist (indiscernible) as well as
4 become an information source, and
5 to some degree a financial
6 resource to help him

7 (indiscernible) business. I
8 believe (indiscernible) goals of
' 9 (indiscernible) a productive
10 citizen."

11 And then she says that the (indiscernible) Plus
12 Health Services is a home (indiscernible) with
13 over 100 employees, with (indiscernible). And
14 what business is this that you and your mom had
15 planned (indiscernible)?

16 INMATE FRELIMO: It's a (indiscernible)
17 company (indiscernible) --

18 PRESIDING COMMISSIONER ST. JULIEN: Oh
19 that's the company that she always
20 (indiscernible).

21 INMATE FRELIMO: She also sells African
22 art, incense, candles, baskets, and books, all
23 kinds of stuff.

24 PRESIDING COMMISSIONER ST. JULIEN: Okay.

25 And the Church of the Living God, and they are
26 in Pittsburgh, California, and it says they are

1 signed by Evangelist Katrina Thompson, and
2 (indiscernible) Donahue, D-O-N-A-H-U-E. He's a
3 deacon. (Indiscernible) staff at the Church of
4 the Living God, temple number 21, in the city of
5 Pittsburgh (indiscernible) with Mr. Brown's
6 mother and his (indiscernible).

7 "He's an outstanding worker in our
8 church family. We are honored to
9 represent Mr. Oba (indiscernible)
10 encouragement. We have adopted
11 him as one of our own by his
12 inspired correspondence to his
13 devoted mother. We stand in total
14 agreement with a decision of his
15 release."

16 And they will support you in every spiritual
17 positive way that you need. And that's
18 (indiscernible) psychologist, and then a letter
19 from your mother, Barbara J. Brown, and she
20 writes that she's your mother. She says "I will
21 (indiscernible) that (indiscernible) for Oba
22 upon his release a place of residence." And she
23 gives the street address in San Francisco.
24 "Upon his release Oba has indicated to me that

25 he would like to assume the responsibility of
26 management in operations of our small family

1 L-A-R-I-M-O, locally owned and operated in San
2 Francisco. And she goes on to say
3 "Oba -- the years (indiscernible)
4 missed with Oba he's also
5 expressed an interest in
6 (indiscernible) by being
7 (indiscernible). He would like to
8 go to a mentor program such as the
9 Brother's and Sister's, and learn
10 the aspects of being a mentor and
11 starting his own mentoring
12 program."
13 And then she goes on to say about the different
14 programs that you were (indiscernible) to
15 dissuade (indiscernible) from becoming
16 criminals.
17 "Oba has been incarcerated since
18 he was a teenager. He was a
19 troubled teen with a lot of anger
20 (indiscernible) for help. He was
21 never into (indiscernible)
22 positive attitude. His current
23 faith and belief in God, that you
24 have faith in yourself, you will

25 ~~overcome all obstacles.~~

26 And she asks for your release. And a Garrett

1 from childhood. And does Mr. Jefferson live in
2 San Francisco?

3 INMATE FRELIMO: I think so, I'm not
4 really sure.

5 PRESIDING COMMISSIONER ST. JULIEN: Okay.

6 "Oba was an immature, angry man,
7 and a (indiscernible) emotional
8 devastation he's caused others.
9 Gradually through the years
10 however he has become
11 (indiscernible) that he
12 (indiscernible) be set free, that
13 he has an enormous debt to
14 contribute to society. And
15 (indiscernible) numerous letters
16 he has mentioned to me about
17 starting a non-profit organization
18 to (indiscernible) educate
19 troubled youth from walking down
20 the same path he did. And once
21 released Oba will be walking into
22 a society that has been
23 revolutionized by the internet and
24 cell phone, and he will not be

25
26 (indiscernible) that will

1 enurall?

2 INMATE FRELIMO: Enurall, no.

3 PRESIDING COMMISSIONER ST. JULIEN: So,
4 you have a heart condition.

5 INMATE FRELIMO: Yes, I had an operation.

6 PRESIDING COMMISSIONER ST. JULIEN: When
7 you were how old?

8 INMATE FRELIMO: When did I have the
9 operation, or when did I have the condition?

10 PRESIDING COMMISSIONER ST. JULIEN: Well,
11 both.

12 INMATE FRELIMO: I think we found it
13 (indiscernible) when I was around probably 15 or
14 16, and I had the operation on me when I was 20
15 or 21 (indiscernible).

16 PRESIDING COMMISSIONER ST. JULIEN: So
17 you had it when you were (indiscernible).

18 INMATE FRELIMO: Yes.

19 PRESIDING COMMISSIONER ST. JULIEN: Okay.
20 So did that operation pretty much save your
21 life?

22 INMATE FRELIMO: Yeah, it took away the
23 (indiscernible).

24 PRESIDING COMMISSIONER ST. JULIEN: Okay.

~~25 PRESIDING COMMISSIONER ST. JULIEN: Okay.~~
26 INMATE FRELIMO: I feel good about that.

~~27 PRESIDING COMMISSIONER ST. JULIEN: Okay.~~

1 mean, how do you feel about having -- was it
2 open-heart surgery?

3 INMATE FRELIMO: No, it was
4 (indiscernible) up my leg.

5 PRESIDING COMMISSIONER ST. JULIEN: Okay.
6 So you had a procedure that saved your -- pretty
7 much saved your life, and you had it while you
8 were incarcerated, and you're still getting
9 violations. Okay. (Indiscernible) is going to
10 take over.

11 DEPUTY COMMISSIONER MORRIS: Okay. Mr.
12 Frelimo, it looks like your last hearing was
13 July 18 of 2000, and that was the last
14 documentation hearing, right? And you spoke to
15 the Deputy Commissioner (indiscernible)?

16 INMATE FRELIMO: Yeah.

17 DEPUTY COMMISSIONER MORRIS: And do you
18 recall those conversations and the things she
19 told you you need to do.

20 INMATE FRELIMO: Yeah.

21 DEPUTY COMMISSIONER MORRIS: Okay. Have
22 you done anything towards what you -- have you
23 accomplished anything that she told you to do?

24 INMATE FRELIMO: I've started taking the

~~25 GED: That's about it.~~

26 DEPUTY COMMISSIONER MORRIS: And of

1 yet. So you took that once?

2 INMATE FRELIMO: Right.

3 DEPUTY COMMISSIONER MORRIS: Okay. So
4 you need to stay with that?

5 INMATE FRELIMO: Right.

6 DEPUTY COMMISSIONER MORRIS: Okay. All
7 right, let me quickly go through your movement
8 within CDC. It looks like you were received
9 July 1 of '94 at Reception Center, San Quentin.
10 And September of '94 you were transferred to
11 Sacramento State Prison. And then February of
12 '99 you were transferred to Corcoran, November
13 of 2000 you were received at Pelican Bay, and
14 then December 23 of 2004 you were transferred to
15 CCI Tehachapi (indiscernible), and then it looks
16 like about June of '05 they transferred you over
17 to (indiscernible)?

18 INMATE FRELIMO: Yes.

19 DEPUTY COMMISSIONER MORRIS: Okay. And
20 that's where you are now?

21 INMATE FRELIMO: Yeah.

22 DEPUTY COMMISSIONER MORRIS: Okay. I see
23 you have a Classification Score of 372. I been
24 going through the file looking for the Adult

26 INMATE FRELIMO: I think so.

1 ~~INMATE FRELIMO: No.~~

2 PRESIDING COMMISSIONER ST. JULIEN: Okay.

3 We'll recess now for deliberations.

4 R E C E S S

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER MORRIS: We're back
4 on record.

5 PRESIDING COMMISSIONER ST. JULIEN: Okay.
6 All parties have returned to the room in the
7 matter of Oba Frelimo. And Mr. Frelimo, the
8 Panel has reviewed all the information received
9 from the public and relied on the following
10 circumstances in concluding that the inmate is
11 not suitable for parole, and would pose an
12 unreasonable risk to society or a threat to
13 public safety if released from prison.
14 Specifically, the commitment offense -- the
15 offense was carried out in an especially cruel
16 and callous manner. Multiple victims were
17 attacked. One was attacked and one was killed
18 in the same incident. And the woman who was
19 initially carjacked -- it says that she was -- I
20 think she was also 61 years old. Her name was
21 Jeanette Rude, R-U-D-E. The inmate took her car
22 and proceeded to drive the car in a fast manner,
23 and that car collided with the car that was

~~24 driven by Mrs. Alice Ginn, 71, L.O.C. 11-11-11~~

25 was also 61 years old, and Mrs. Ginn

26 subsequently died of her injuries. And there

1 were also four other people who were injured in
2 the automobile accident. The offense was
3 carried out in a manner which shows an
4 exceptionally callous disregard for human
5 suffering, in that all these victims were
6 completely vulnerable victims. They were out in
7 the public, on the public areas doing what they
8 would normally do, and they would have
9 absolutely no idea that criminal activity was
10 going to happen. The motive for the crime was
11 inexplicable or very trivial in relation to the
12 offense, as the carjacking was a car theft and
13 the death of Mrs. Ginn resulted from that
14 senseless act. The murder of the victim did not
15 deter the -- I'm sorry. The inmate had an
16 escalating pattern of criminal conduct and has
17 failed previous grants of juvenile probation,
18 and has failed from society's previous attempts
19 to correct his criminality. And such attempts
20 include juvenile probation, juvenile camp, and
21 juvenile work shift. And the prior criminality
22 includes as a juvenile, theft, petty theft,
23 robbery, auto theft, strong-arm robbery, and

~~24 assault. And this also goes back as a juvenile.~~
25 social history as a juvenile. The inmate has

1 disciplinarys. Okay.

2 "The inmate also needs to learn
3 detection signs and early symptoms
4 indicating de-compensation in his
5 mental status so as to seek help
6 early and appropriately."

7 And finally, "The examiner feels that the inmate
8 has untapped potential. He seems intelligent,
9 but needs motivation and encouragement to
10 continue to grow." The inmate does appear to
11 have realistic parole plans as far as viable
12 residential plans go, they are residential plans
13 with his fiancée and he does appear to have
14 acceptable employment plans with his mother's
15 small business in San Francisco. However, I
16 would again state that the distance between
17 where your fiancée lives and the business in San
18 Francisco that does seem quite a far distance,
19 so you might want to rethink those plans. And
20 (indiscernible) indications of a marketable
21 skill. And the Panel makes the following
22 findings. The prisoner needs therapy in order
23 to face, discuss, understand and cope with
24 stress in a non-destructive manner

25 (indiscernible). The inmate continues to be
26 unpredictable and a threat to others. And in

1 later saw the car, and a police
2 chase ensued. Police backed off
3 when the defendant's speed reached
4 70 miles per hour on a city
5 street. The defendant drove West
6 on (indiscernible) Street and
7 collided with the left side of the
8 vehicle driven by Alio Ginn. The
9 woman's six-year-old grandson was
10 a passenger in the car. The force
11 of the impact caused the women's
12 car to collide with another
13 occupied vehicle and a parked
14 vehicle. The woman died from a
15 multi-traumatic injury received in
16 the collision. The defendant and
17 his companion ran from the
18 accident and tried to hide.
19 Witnesses directed police to the
20 defendant and his companion, and
21 both were captured."
22 Multiple victims were attacked, and injured, and
23 killed in the same incident. Mrs. Rude was
24 attacked and carjacked and there were four other

~~25 Mrs. Alio Ginn was killed in that car accident, and~~
26 Mrs. Alio Ginn was killed in that car accident.

1 The offense was carried out in a dispassionate
2 and calculated manner, in that the victims were
3 completely vulnerable. The offense was carried
4 out in a manner which showed an exceptionally
5 callous disregard for human suffering, in that
6 there certainly must be life-long trauma to the
7 surviving victims of this crime and particularly
8 to the six-year old grandson of Mrs. Ginn who
9 was in the car when Mrs. Ginn died. The motive
10 for the crime seems (indiscernible) trivial in
11 relation to the offense, in that these crimes
12 were the result of a carjacking, car theft. The
13 inmate has an extensive history of criminality,
14 including being in juvenile camp and juvenile
15 hall for theft -- theft and robbery. A recent
16 psychological report dated January 2005, -
17 authored by Dr. Skeen, indicates a need for a
18 longer period of observation and evaluation and
19 treatment. The inmate has not completed the
20 necessary programming which is essential to his
21 adjustment and needs additional time to gain
22 such programming. And he has failed to complete
23 or participate in educational or vocational
24 programs, as well as self-help and therapy
25 programs. Therefore a longer period of
26 observation and evaluation is required before

1 the Board should find the inmate suitable for
2 parole. And sir, the Panel recommends that you
3 become disciplinary-free, remain
4 disciplinary-free, work at reducing your Custody
5 Level so that program opportunities will become
6 more available. Also, if available, upgrade
7 vocationally and educationally. And if
8 available participate in self-help and therapy
9 programming. And we are going to ask for a new
10 psychological evaluation prior to your next
11 hearing. So, I hope that this comes as a
12 wake-up call to you. The (indiscernible) is
13 yours, you have a whole lot of work to do, but
14 you have time to do it. Make up your mind,
15 you're either going to continue on this same
16 path and be here the rest of your life, or
17 you're going to start to (indiscernible). Okay?
18 And I certainly hope it's the latter because I
19 think you definitely have the intellectual
20 potential to make something of yourself, so I
21 definitely wish you good luck, sir.

22 INMATE FRELIMO: Thank you.

23 PRESIDING COMMISSIONER ST. JULIEN: And
24 so, Commissioner Morris, do you have any
25 comments?

26 DEPUTY COMMISSIONER MORRIS: Yeah, I

1 would encourage Mr. Frelimo to work towards
2 becoming absolutely disciplinary-free. And
3 you're going to have to be disciplinary-free for
4 a number of years. In addition to that, as the
5 Commissioner just spoke to you about, to upgrade
6 yourself vocationally as well as academically.
7 However, you can't do any of that stuff until
8 you reduce that Classification Score. So you've
9 got a number of years to work on that, you've
10 got to bring that down. And I -- the only thing
11 I can commend you for is your writings, because
12 that tells me you're thinking of change somewhat
13 and with that you're on the right course. And
14 you (indiscernible) pursue that. You do have
15 the capability, as the psychologist said,
16 indicated earlier, the intellect is there, the
17 potential is there, but you've got to develop
18 the (indiscernible). So you have a good day,
19 sir.

20 ATTORNEY HARRIS: Thank you.

21 DEPUTY COMMISSIONER MORRIS: Good luck.

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1 PRESIDING COMMISSIONER ST. JULIEN: Thank

2 .you. Okay.. (Indiscernible).

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23 PAROLE DENIED FIVE YEARS ..

FEB 8 2006

24 THIS DECISION WILL BE FINAL ON:

25 YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT


26 DATE, THE DECISION IS MODIFIED.

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, RUBY M. DOUGHERTY, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 69, and which recording was duly recorded at CALIFORNIA CORRECTIONAL INSTITUTION, TEHACHAPI, CALIFORNIA, in the matter of the INITIAL PAROLE CONSIDERATION HEARING for OBA FRELIMO, CDC NO. J-25506, on OCTOBER 12, 2005, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated NOVEMBER 15, 2005, at Sacramento,
California.


RUBY M. DOUGHERTY
TRANSCRIBER
PETERS SHORTHAND REPORTING

(Exhibit "B")

(Proof of Mental Health illness)

1 KATHLEEN M. KEESHEN

2 Deputy Director

3 F. VINCENT O'BRIEN State Bar No. 54234

4 Staff Counsel

5 Legal Affairs Division

6 California Department of Corrections

7 1515 S Street, Rm. 314S

8 P.O. Box 942883

9 Sacramento, CA 94283-0001

10 Telephone: (916) 445-0495

11 Attorneys for Petitioner

12
13 BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

14 FOR THE STATE OF CALIFORNIA

15 In the Matter of

) No.

16 Oba Frelimo J25506

)

) **VERIFIED PETITION FOR RENEWAL**

) **JUDICIAL DETERMINATION**

) **RE: INVOLUNTARY MEDICATION**

17 Re: Involuntary Medication

)

) DATE: November 16, 2004

) TIME: 9:00 A.M.

) PLACE: PELICAN BAY STATE PRISON

)

18
19 Petitioner alleges:

20 1. The California Department of Corrections is required by the permanent injunction
21 issued in *Keyhea v. Rushen*, Solano County Superior Court, No. 67432, pursuant to *Keyhea v.*
22 *Rushen*, 178 Cal.App.3d 526 (1986) to seek a court order authorizing the administration of long
23 term involuntary antipsychotic medication to individuals confined within the jurisdiction of the
24 California Department of Corrections who, as a result of mental disorder, are a danger to others or
25 to themselves or are gravely disabled and incompetent to refuse medication. Penal Code section
26 2600, as amended by Chapter 555, Statutes of 1994, requires that the judicial hearing mandated in
27 this injunction be conducted by an administrative law judge.
28

1 2. Respondent Oba Frelimo J25506, is, and at all times herein mentioned was, an
2 individual confined within the jurisdiction of the California Department of Corrections and is
3 currently housed at the Pelican Bay State Prison, located in Del Norte County, California.

4 3. As more fully set forth in the Declaration of Heino Lange M.D., attached hereto as
5 Exhibit A and made a part hereof, respondent has been diagnosed as suffering from chronic
6 paranoid schizophrenai, a condition that renders him, a danger to others. The recommended
7 medically appropriate course of medical treatment consists of antipsychotic medications. There
8 are no medically available alternatives to this treatment. However, if the recommended course of
9 medical treatment is delayed or denied by the judge, it is likely that the patient will deteriorate
10 further.

11 4. On May 25, 2004, in Pelican Bay State Prison, Case No. N2004050406, Inmate
12 Oba Frelimo J25506, was found by clear and convincing evidence to be, a danger to others, and it
13 was ordered that he may be involuntarily administered psychotropic medication for the period
14 May 25, 2004 to November 21, 2004. Attached hereto is Exhibit B which is incorporated herein
15 by reference consisting of An Order, Verified Petition, and Declaration in Support of Verified
16 Petition (See Exhibit B).

17 5. The authority for filing a petition for renewal of an order authorizing involuntary
18 medication is found within the provisions of the *Keyhea* injunction itself, according to the First
19 District Court of Appeals, in *Department of Corrections v. Office of Administrative Hearings*
20 (*Holmes, Real Party in Interest*) (1998) 66 Cal.App.4th 1100, 78 Cal.Rptr.2d 4730.

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1 WHEREFORE, petitioner prays for an order renewing the authorization for administration
 2 of involuntary medication for a period of 180 days on the basis that inmate Oba Frelimo J25506
 3 does not have the capacity to consent to or refuse treatment and is, a danger to others, and for
 4 such other and further relief as the judge deems proper.

5
 6 DATED: October 29, 2004

7
 8 KATHLEEN M. KEESHEN
 9 Deputy Director
 10 Legal Affairs Division

11 F. VINCENT O'BRIEN
 12 Staff Counsel

13 Attorneys for Petitioner

14 Prepared by:

15 F. VINCENT O'BRIEN
 16 Staff Counsel

17 VERIFICATION


18 I, Heino Lange M.D., am a staff psychiatrist with the Department of Corrections at Pelican
 19 Bay State Prison. I have read the foregoing petition and know the contents thereof. The same is
 20 true of my own knowledge, except as to those matters that are therein alleged on information and
 21 belief, as to those matters, I believe them to be true.

22 I declare under penalty of perjury that the foregoing is true and correct and that this
 23 declaration was executed on October 29th 2004, at Crescent City, California.

24 
 25 HEINO LANGE M.D.
 26 STAFF PSYCHIATRIST///
 27

1 WHEREFORE, petitioner prays for an order renewing the authorization for administration
2 of involuntary medication for a period of 180 days on the basis that inmate Oba Frelimo J25506
3 does not have the capacity to consent to or refuse treatment and is, a danger to others, and for
4 such other and further relief as the judge deems proper.
5

6 DATED: October 29, 2004
7

8 KATHLEEN M. KEESHIN
9 Deputy Director
10 Legal Affairs Division
11 
12 F. VINCENT O'BRIEN
13 Staff Counsel
14

15 Attorneys for Petitioner

16 Prepared by:

17 F. VINCENT O'BRIEN
18 Staff Counsel
19

20 VERIFICATION

21 I, Heino Lange M.D., am a staff psychiatrist with the Department of Corrections at Pelican
22 Bay State Prison. I have read the foregoing petition and know the contents thereof. The same is
23 true of my own knowledge, except as to those matters that are therein alleged on information and
24 belief, as to those matters, I believe them to be true.
25

26 I declare under penalty of perjury that the foregoing is true and correct and that this
27 declaration was executed on _____, 2004, at _____
28 California.

HEINO LANGE M.D.
STAFF PSYCHIATRIST///

EXHIBIT A

KATHLEEN M. KEESHEN

Deputy Director

F. VINCENT O'BRIEN State Bar No. 54234

Staff Counsel

Legal Affairs Division

California Department of Corrections

1515 S Street, Rm. 314S

P.O. Box 942883

Sacramento, CA 94283-0001

Telephone: (916) 445-0495

Attorneys for Petitioner

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE STATE OF CALIFORNIA

In the Matter of

) No.

Oba Frelimo J25506

)

) DECLARATION IN SUPPORT OF

) VERIFIED PETITION FOR RENEWAL

) JUDICIAL DETERMINATION

) RE: INVOLUNTARY MEDICATION

Re: Involuntary Medication

)

) DATE: November 16, 2004

) TIME: 9:00 A.M.

) PLACE: PELICAN BAY STATE PRISON

)

I, Heino Lange M.D., declare as follows:

**I am a psychiatrist employed by the California Department of Corrections at Pelican Bay
State Prison.**

1. The nature of the psychiatric condition of the respondent that requires treatment:

Chronic paranoid schizophrenia.

**2. Recommended courses of psychiatric treatment that are considered to be medically
appropriate:**

Antipsychotic medications are necessary to keep Mr. Frelimo in an improved

1 condition.

2 3. The threat to the health of the respondent, if the recommended course of treatment is
3 delayed or not received:

4 The patient will deteriorate again, encounter the previously observed violent
5 outbreaks, and represent a danger to others again.

6 4. The predictable or probable response to the recommended course of treatment:

7 Fortunately after the introduction of involuntary medication, Mr. Frelimo has
8 shown signs of improvement. He currently denies the occurrence of auditory
9 hallucinations, or they appear to have only minor subjective improvement. He currently
10 denied the occurrence of auditory hallucinations, or they appear to have only minor
11 subjective importance for him. Over all, Mr. Frelimo's behavior has improved so far, that
12 during the last period of six months he has not physically attacked anybody, even though
13 Rule Violation Reports are on record.

14 5. The available alternatives, if any, to the course of the treatment recommended:

15 Mr. Frelimo has been offered all reasonable alternative treatments without success.
16 There are no less invasive medically available alternatives to his psychotropic treatment
17 other than treatment with appropriate medications.

18 6. The efforts made to obtain an informed consent from the respondent:

19 Many efforts have been made by clinicians to obtain an informed consent for
20 medication from Mr. Frelimo. While this petition for dangerousness requires no showing
21 of incompetence to consent, it is clear that this patient lacks the capacity to consent to
22 medication because he is unable to understand the severity of his symptoms, claiming that
23 he has no mental illness or need for treatment. He is unable to weigh the risks and benefits
24 in a coherent fashion.

25 7. Incidents that precipitated the filing of the petition either by a summary of the incidents or

26 the attachment of reports or records:
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1 Oba Frelimo is a danger to others because he suffers from a mental illness that
2 renders him unable to control his violent and assaultive impulses. He is unable to
3 understand his illness and need for treatment and therefore refuses the psychiatric
4 medications that might assist him. For these reasons, involuntary medications were
5 initiated on April 27, 2004, with an order being granted on May 25, 2004.

6 Mr. Frelimo, who is twenty-eights old, is serving a 15-year to life sentence for
7 second degree murder. Although there is no known history of treatment while in the
8 community, he has been treated at Pelican Bay State Prison (PBSP) and Corcoran State
9 Prison. Mr. Frelimo has received "CDC-115's" for assaults on inmates, which included a
10 slashing with great bodily injury, and weapon possession. He was admitted to the
11 Psychiatric Services Unit at PBSP in March of 2004. At that time, he admitted to auditory
12 hallucinations and visual disturbances, but declined any form of treatment. On
13 April 22, 2004, he assaulted a correctional officer "because of his attitude."

14 Mr. Frelimo took the initial one or two doses of psychiatric medications that he was
15 offered, but refused any further treatment. As a result, it was necessary to admit him to the
16 Correctional Treatment Center for the initiation of involuntary medication. He has gained
17 no insight into the nature and extent of his illness and need for treatment and, in fact,
18 continues to deny that he suffers from any mental illness, and has any need for medication.
19 Mr. Frelimo testified at his *Keyhea* hearing in May of 2004 that, "I don't need any
20 psychiatric medication", and has repeated that as recently as October 25, 2004. He further
21 stated that, "I don't need to be on *Keyhea*. I need no medication. I don't hear those voices
22 anymore." Without medication, he would decompensate, resulting in an increase in the
23 number of his assaultive incidents. The involuntary administration of medication remains
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1 the least restrictive means of treating Mr. Frelimo and attempting to protect the health and
2 safety those with whom he comes in contact.

3 8. That the respondent, as a result of mental disorder:

4 () a. Is gravely disabled and incompetent to refuse psychotropic medication;

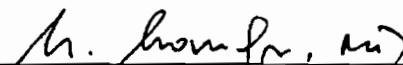
5 () b. Presents a danger to self;

6 (x) c. Presents a danger to others.

7 9. Names and address of next of kin or persons listed in the respondent's records to receive
8 notification in case of emergency:

9
10 Barbara Brown (Mother)
11 1020 Pierce Street, #B
12 San Francisco, CA

13 I declare under penalty of perjury, that the foregoing is true and correct. Executed on this
14 29th day of October 2004, at Crescent City, California.

15
16 

17 HEINO LANGE M.D.
18 STAFF PSYCHIATRIST
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BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE STATE OF CALIFORNIA

In the Matter of)	No.
)	
Oba Frelimo J25506)	ORDER SETTING HEARING
)	AND APPOINTING ATTORNEY
)	
Re: Involuntary Medication)	
)	
_____)	

IT IS HEREBY ORDERED that a hearing re: involuntary medication is set for November 16, 2004, at 9:00 a.m., at Pelican Bay State Prison. Because of legitimate penological interests, in accordance with Penal Code §2600, persons without valid institutional or departmental identification must obtain specific approval from the Warden, a process that can take up to two weeks.

IT IS FURTHER ORDERED that Harry Liddicote, Jr., Attorney at Law, shall represent inmate Oba Frelimo J25506.

DATED:

ADMINISTRATIVE LAW JUDGE

1
2 **KATHLEEN M. KEESHEN**
3 **Deputy Director**
4 **F. VINCENT O'BRIEN State Bar No. 54234**
5 **Staff Counsel**
6 **Legal Affairs Division**
7 **California Department of Corrections**
8 **1515 S Street, Rm. 314S**
9 **P.O. Box 942883**
10 **Sacramento CA 94283-0001**
11 **Telephone: (916) 445-0495**

12 **Attorneys for Petitioner**

13 **BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS**

14 **FOR THE STATE OF CALIFORNIA**

15 **In the Matter of) No.**

16 **Oba Frelimo J25506)**

17 **DECLARATIONS OF SERVICE**

18 **Re: Involuntary Medication)**

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DECLARATION OF SERVICE

Re: In the Matter of Oba Frelimo J25506 No. _____

The undersigned declares:

I am over the age of 18 years, and not a party to the above-entitled proceedings. My business address is 5905 Lake Earl Drive Crescent City, California 95532.

On October 29th 2004, I served true copies of the following documents:

Verified Petition for Judicial Determination
Declaration in Support of Verified Petition for
Judicial Determination

Petition for Interim Order
Declaration in Support of Petition for Interim Order
Order for Interim Involuntary Medication
Order Setting Hearing and Appointing Attorney

on:

Barbara Brown (Mother)
1020 Pierce Street, #B
San Francisco, CA

[] by personal delivery to said person in the County of Del Norte, State of California.

[X] by placing, or causing to be placed, true copies thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Crescent City, California.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 29th 2004, at Crescent City, California.


B. JACOT CCH

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DECLARATION OF SERVICE

Re: In the Matter of Oba Frelimo J25506 No. _____

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Verified Petition for Judicial Determination
Declaration in Support of Verified Petition for
Judicial Determination

Petition for Interim Order
Declaration in Support of Petition for Interim Order
Order for Interim Involuntary Medication
Order Setting Hearing and Appointing Attorney

on:

Harry Liddicote, Jr.
3631 Wonderstump Road
Crescent City, CA 95531

[X] by personal delivery to said person in the County of Del Norte, State of California.

[] by placing, or causing to be placed, true copies thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Crescent City, California.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 29th 2004, at Crescent City, California.


B. JACOT CCH

(Exhibit "C")

Boot Camp Worksheet

BOOT CAMP WORKSHEET

IDENTIFYING INFORMATION:

NAME: FRELINO CDC# J-25506 RACE: B/18
ARRIVAL DATE: 7-1-94 COUNTY OF COMMITMENT: SAN FRANCISCO

COMMITMENT OFFENSE

Murder 1st

LENGTH OF SENTENCE 15- Life

CONTROLLING: _____

NON-CONTROLLING: _____

MIN D.S.L.: _____

TO BE COMPLETED BY BOOT CAMP CCI

BOOT CAMP ELIGIBILITY:

ELIGIBLE: _____

INELIGIBLE DUE TO: Term

DATE INTERVIEWED: _____

DATE CONTACT SIGNED _____

BOOT CAMP CCI SIGNATURE [Signature]

DATE OF ENDORSEMENT: (BY C & PR) _____

